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REPORT

ON

CANADIAN ARCHIVES

BY

DOUGLAS BRYMNER, LL.D., F.R.S.C., ARCHIVIST

1898

(Being an Appendix to Report of the Minister of Agriculture)

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CONTENTS.

ARCHIVIST'S REPORT	PAGE.
List of books, &c., presented, with the names of the givers	v
	xxix
NOTE A.—SIEGE OF QUEBEC.	
No. 1. WOLFE TO (PITT?).....	1
2. EXTRACT FROM THE JOURNAL OF QUARTER-MASTER SERGEANT JOHN JOHNSON.....	5
3. MONCKTON TO PITT.....	6
4. TOWNSEND TO PITT.....	6
NOTE B.—LAND COMPANIES OF CANADA.	
No. 1. REPORT OF THE WARDEN OF THE FORESTS.....	9
2. LORD DALHOUSIE TO WILMOT HORTON.....	16
3. MEMORIAL TO LORD BATHURST.....	17
4. J. STEPHEN TO WILMOT HORTON.....	19
5. MR. FELTON TO LORD BATHURST.....	19
6. LORD BATHURST TO MR. FELTON.....	21
7. LORD BATHURST TO LORD DALHOUSIE.....	27
8. MR. WILMOT HORTON TO MR. FELTON.....	27
9. MR. JAMES STEPHEN TO MR. WILMOT HORTON.....	28
10. LORD DALHOUSIE TO LORD BATHURST.....	30
11. MINUTE OF EXECUTIVE COUNCIL.....	31
12. LORD DALHOUSIE TO MR. SIMON MCGILLIVRAY.....	32
13. MINUTE OF EXECUTIVE COUNCIL.....	33
NOTE C.—NATURALIZATION QUESTION.	
No. 1. CASE OF MR. BIDWELL.....	35
2. LAW OFFICERS TO LORD BATHURST.....	38
3. MEMORIAL OF THE ASSEMBLY OF UPPER CANADA.....	39
4. MINUTES OF THE EXECUTIVE COUNCIL OF UPPER CANADA.....	42
5. PETITION OF THE FREEHOLDERS OF NIAGARA.....	44
6. REMARKS ON THE ALIEN QUESTION FOR THE "CANADIAN FREEMAN".....	45
7. PETITION AGAINST THE ATTORNEY GENERAL'S NATURALIZATION BILL.....	48
8. SIR P. MAITLAND TO LORD BATHURST.....	50
9. PETITION OF THE INHABITANTS OF JOHNSTOWN.....	55
10. JONATHAN SEWELL ON THE ALIEN BILL.....	55
11. NATURALIZATION BILL AS INTRODUCED BY MR. ROLPH.....	56
STATE PAPERS, LOWER CANADA—CALENDAR.	
Q. 168-1. Governor Lord Dalhousie, Lieut. Governor Francis Burton, 1824.....	397
Q. 168-2. Governor Lord Dalhousie, Lieut. Governor Francis Burton, 1824.....	401
Q. 169. Public Offices, 1824.....	407
Q. 170-1-2-3. Miscellaneous, 1824.....	416
Q. 171. Lieut. Governor Sir F. Burton, 1825.....	431
Q. 172-1. Governor Lord Dalhousie, 1825.....	436
Q. 172-2. Governor Lord Dalhousie, 1825.....	444
Q. 173-1-2. Public Offices, 1825.....	450
Q. 174-1-2. Miscellaneous, 1825.....	458
Q. 175. Papers respecting the Canada Land Act, 1825.....	470
8a—A $\frac{1}{2}$	

STATE PAPERS, LOWER CANADA—CALENDAR—*Concluded.*

	PAGE.
Q. 175-A. North American Provinces, Report, 1825.....	472
Q. 176-1. Governor Earl of Dalhousie, Lieut. Governor Sir F. Burton, Secretary Cochran, 1826	472
Q. 176-2. Governor Lord Dalhousie, 1826	476
Q. 176-3. Governor Lord Dalhousie, Lieut. Governor Sir Francis Burton, Secretary A. W. Cochran, 1826	481
Q. 177. Public Offices, 1826	486
Q. 178-1-2. Miscellaneous, 1826	493
Q. 179-1-2. Governor Lord Dalhousie, 1827.....	504
Q. 179-3. Governor Lord Dalhousie, 1827.....	513
Q. 180. Public Offices, 1827	517
Q. 181. Miscellaneous, 1827	529
Q. 182-1. Governor Lord Dalhousie, 1828.....	538
Q. 182-2. Governor Lord Dalhousie, 1828.....	544
Q. 183-1. Governor Lord Dalhousie and Sir James Kempt, 1828	548
Q. 183-2. Governor Lord Dalhousie and Sir James Kempt, 1828	553
Q. 184-1-2-3-4. Petitions of Grievances, 1828.....	556
Q. 185-1-2. Public Offices, 1828.....	559
Q. 186-1-2. Miscellaneous, 1828	571

STATE PAPERS, UPPER CANADA—CALENDAR.

Q. 335-1. Lieut. Governor Sir P. Maitland, 1824	181
Q. 335-2. Lieut. Governor Sir P. Maitland, 1824.....	184
Q. 336-1. Lieut. Governor Sir P. Maitland, 1824	193
Q. 336-2. Lieut. Governor Sir P. Maitland, 1824.....	196
Q. 337-1-2. Public Offices and Miscellaneous, 1824	204
Q. 338-1. Lieut. Governor Sir P. Maitland, 1825.....	218
Q. 338-2. Lieut. Governor Sir P. Maitland, 1825	221
Q. 339-1-2. Public Offices and Miscellaneous, 1825	230
Q. 340-1. Lieut. Governor Sir P. Maitland, 1826	243
Q. 340-2. Lieut. Governor Sir P. Maitland, 1826	250
Q. 341. Lieut. Governor Sir P. Maitland, 1826.....	255
Q. 342. Public Offices.....	259
Q. 343-1-2-3. Miscellaneous.....	266
Q. 344-1. Lieut. Governor Sir P. Maitland, 1827.....	279
Q. 344-2. Lieut. Governor Sir P. Maitland, 1827	289
Q. 345-1-2. Public Offices and Miscellaneous, 1827.....	294
Q. 346-1. Lieut. Governor Sir P. Maitland, 1827	304
Q. 346-2. Lieut. Governor Sir P. Maitland, 1827.....	312
Q. 347. Lieut. Governor Sir P. Maitland, 1828.....	314
Q. 348, 349. Papers relating to Judge Willis.....	319
Q. 350-1-2. Public Offices and Miscellaneous.....	320

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REPORT ON CANADIAN ARCHIVES

DOUGLAS BRYMNER, LL.D., F.R.S.C., ARCHIVIST.

The Honourable
SYDNEY A. FISHER,
Minister of Agriculture,
&c., &c., &c.

Sir,—I have the honour to present the report on Archives for 1898.

Owing to the fire in the Western Block, to which reference was made in the report for 1897, the books and papers were, as then stated, transferred to the departmental building on Wellington street, and since their removal have been arranged on the shelves prepared for them. Many of the cards forming the catalogue were so injured and rendered illegible by the water used for extinguishing the fire that it was necessary to rewrite those injured, and advantage was taken of this necessity to introduce such improvements in the work of cataloguing as experience had shown to be desirable and advantageous, so as to secure more ready access to the documents. This was in part effected by multiplying cross references, wherever they would afford greater facilities for conducting the work.

Whilst there was no loss of documents by the fire, there was a considerable amount of damage, which could fortunately be remedied, one part of the loss being the damage to the catalogue cards, already mentioned, and another, the destruction of binding, which required considerable time and labour to make good. The extent of the damage thus arising could not be properly ascertained until a rearrangement had been effected.

Every exertion is made to forward the work of copying in London and Paris. The States paper to 1837 have been received from the Public Record Office in the former, these being largely composed of dispatches from the governors to the Colonial Office. Those from the Secretary of State for the Colonies for the time being having been placed in the Colonial Office library in volumes, orders have been sent to have these also copied, and the work, now proceeding, will be finished at a comparatively early date. Other miscellaneous documents, such as military correspondence, commissions and instructions to the governors, minutes of the Board of Trade, boundary correspondence, &c., have been received. A first instalment of the documents relating to Nova Scotia has arrived, the dates of the papers being from 1603 to 1666. The documents copied in Paris extend from 1575 to 1767, with the exception of two years, the two volumes not yet received treating of events in the province of Quebec during the years 1758 and 1760.

PAGE.
..... 472
1826 472
..... 476
W.
..... 481
..... 486
..... 493
..... 504
..... 513
..... 517
..... 529
..... 538
..... 544
..... 548
..... 553
..... 556
..... 559
..... 571

..... 181
..... 184
..... 193
..... 196
..... 204
..... 218
..... 221
..... 230
..... 243
..... 250
..... 255
..... 259
..... 266
..... 279
..... 289
..... 294
..... 304
..... 312
..... 314
..... 319
..... 320

Thanks are due to M. de Kerallain, of Quimper, France, for the presentation of a collection of correspondence respecting M. de Bougainville. That officer was originally an advocate in Paris, devoted himself to science, then joined the army, and subsequently became secretary to the embassy at London. It is, however, his services during the war in Canada that render his history of interest to Canadians. The letter numbered 11 in the collection gives the date of his arrival and affords proof of his home sickness and of his longing to return to France and to those who were the objects of his affection. This did not prevent him from devoting himself to the defence of the country and to a knowledge of its requirements, as he wrote to Madame Herault in September (no day given) of 1757, that he would inform himself, as far as in him lay, of everything that concerned the colony. His conclusions were that the rascality of those in office was the cause of the bad state of the colony, on which he sent a memoire, which he hoped would help to put an end to the frauds committed by those in office. He says that but for their follies and wrong doing, the campaign of that year (1757) would have been entered upon six weeks earlier than it was. He also stated that the robberies committed by the Indians at Fort William Henry were encouraged by persons who called themselves natives of France, from the greed of gain, believing that they could purchase the plunder from the Indians at a low price. In November, 1757, Bougainville had sanguine hopes of success for the arms of France, and that a peace favourable to his country could be secured. His services did not escape the notice of his commanding officers, who wrote in terms of confidence that he would do everything for the best and could be entirely relied upon in the carrying out of every measure of defence with which he was entrusted. According to the "Narrative," ascribed to Chevalier Johnstone, M. de Bougainville was sent in the spring after the fall of Quebec to command at Isle Aux Neix, with 1,100 men, "of which number were the regiment of Guienne and Berry." Bougainville's career after he left Canada is contained in the history of maritime discovery and need not be dealt with here.

On the 22nd September, 1759, after the fall of Quebec, he wrote to Madame Herault in these terms. I translate.

At the Camp of Lorette, 22nd September, 1759.

I take advantage of the departure of the garrison from Quebec to give you my news, my dear mamma. M. de Joannes, aide major of the regiment of Languedoc, who will hand you this letter and whom I recommend to your goodness, has taken part in the campaign, having charge of the arrangements of the corps which I commanded. Thus you will learn from him everything that I cannot write you by this opportunity. This most unfortunate affair has deprived us of our general. M. Joannes was there and can render you an account of it. I am penetrated with grief and every moment increases it. I have felt it my duty to follow the fate of this colony. The memory of my general and the critical circumstances in which his death leaves this country, are a bond which attaches me to it. I may say that I have served successfully. For two months I have defended the communication against a fleet and forces much superior to those which I had; with 350 men I repulsed twice in the same day 1,500 men, killing or wounding 300 of them. After the affair of the 13th September, I covered the retreat of our army, and when Quebec capitulated I was only three-quarters of a league from it, and could have thrown myself into it the following night with a *corps d'elite*, which might have saved it. Now I have been entrusted with a reserve of 1,200 men, and I continue a painful campaign,

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since we have been three months in bivouac without knowing when or how it will finish, and if the winter with its cold will bring us a little rest.

(The rest of the letters consist of polite messages to friends, &c.)*

Investigators continue to apply for information both personally and by letter. The system which has been adopted of cataloguing and indexing enables the information asked for to be at once supplied, if it is contained in the Archives, or if not there is no delay in ascertaining that fact. A glance at the list of books, &c., presented will in some slight degree show the extent of the interest taken in the progress of the work, but by no means exhibits its full measure.

After the capture of Louisbourg at the end of July, 1758, Wolfe was employed to harass and destroy the French settlements in the lower St. Lawrence. This uncongenial task occupied part of the following months and in November he was back with his regiment at Salisbury. He was shortly afterwards selected by Pitt to command the expedition against Quebec. This brief summary may serve to show how difficult it is to comprehend the cause of the letter from Wolfe, of which a copy follows, no reference being made to it in any of his biographies, so far as can be ascertained by close examination. It is possible, however, that Mr. Bradley, who had access to all the papers left by Wolfe, of which he made such excellent use in his short life of him, may be able to throw some light on the subject. In Parkman's "Montcalm and Wolfe" an extract from the letter is given in a note at page 194 of the second volume, but no notice is taken of it in the text. By inserting the name of Lawrence in a parenthesis, in connection with the objection made by Wolfe to being under the orders of an officer put over his head a few months before, Parkman evidently means to suggest that Lawrence was the person objected to, which is possible, although Lawrence had been appointed Lieutenant Governor of Nova Scotia by Order in Council of the 6th August, 1754, and assumed the duties of office in October of that year, when the order reached him, having been acting Lieutenant Governor from the end of 1753. The letter, however, cannot be explained by any documents that are so far accessible; the only allusion to any order to remain on this side of the Atlantic is contained in a letter written by Wolfe to his friend, Lieutenant Colonel Rickson, dated on the 1st of December, 1758, part, at least, of which must have been written previous to that date, that is, in the month of November. In this letter he says: "When I went from hence (the letter is dated at Salisbury) Lord Ligonier told me I was to return at the end of the campaign, but I have learned since I came home, that an order is gone to keep me there." What shows positively that

Au camp de Lorette, ce 22 septembre 1859.

*Je profite du départ de la garnison de Québec pour vous donner de mes nouvelles, ma chère maman. M. de Joannes, aide major du régiment de Languedoc, qui vous remettra cette lettre et que je recommande à vos bontés, a fait une partie de la campagne chargée du détail du corps que je commandais. Ainsi vous saurez par lui tout ce que je ne puis vous écrire par cette voye. La plus malheureuse affaire nous a ravi notre général. M. de Joannes y était et vous en rendra compte. J'en suis pénétré de douleur et chaque instant l'augmente. J'ai cru devoir suivre le sort de cette colonie; la mémoire de mon général et chaque circonstance critiques dans lesquelles sa mort laisse ce pays sont un lien qui m'y attache. Je puis dire avoir servi avec succès. J'ai deux mois défendu la communication contre un escadre et des forces bien supérieures à ce que j'avois; avec 350 hommes j'en ai, deux fois en un même jour repoussé 1,500 et leur en ai tué ou blessé 300. Après l'affaire du 13 septembre j'ai couvert la retraite de notre armée et quand Québec a capitulé je n'en étais qu'à trois quarts de lieue et je ne jettai dedans la nuit suivante avec un corps d'élite qui l'eut pu sauver. Maintenant on m'a confié une réserve de 1,200 hommes et je continue une campagne pénible puisque nous y avons été 3 mois au bivouac, sans savoir quand, comment elle finira et si l'hiver, avec les glaces, nous amenera quelque repos.

(Le reste de la lettre, ne renferme que des civilités pour des amis.)

this letter was written in November is that he says in it: "I have *this day* signified "to Mr. Pitt that he may dispose of my slight carcass as he pleases." The letter to Pitt of 22nd November stated: "I have no objections to serving in America, and "particularly on the River St. Lawrence, if any operations are to be carried on there." (Chatham Correspondence quoted in Wright's life of Wolfe, p. 164.) As the letter of 22nd November to Pitt is the only one about that date, so far as appears, expressing willingness to undertake the labour of the expedition, it is probable, at least, if not positive, that it was the letter referred to in that to Lieutenant Colonel Rickson, which contains, as already noticed and so far as can be ascertained, the only reference made to his remaining on this side of the Atlantic after the capture of Louisbourg, but does not serve to explain the tone of irritation in which the letter that follows is written. To whom it was written is not on the letter:

MY LORD,—Since my arrival in America, I have had the honour to receive two letters from your Lordship, one of an old date concerning my stay in this country, in answer to which, I shall only say, that the Marshal told me, I was to return at the end of the campaign, and as General Amherst had no other commands than to send me to winter at Halifax under the orders of an officer, who was but a few months before put over my head, I thought it was much better to get into the way of service and out of the way of being insulted; and as the style of your Lordship's letter is pretty strong, I must take the liberty to inform you, that though I should have been very glad to have gone with G. Amherst to join the army upon the Lakes and offered my services immediately after the reduction of Louisbourg, to carry a reinforcement to Mr. Abercrombie, if Quebec was not to be attacked; yet rather than receive orders in the government of an officer younger than myself (though a very worthy man) I should certainly have desired leave to resign my commission; for as I neither ask nor expect any favour, so I never intend to submit to any ill usage whatsoever. Your Lordship's letter with the cartel between His Majesty and the French King is come to my hands. Brig. Gen. Murray and Colonel Howe having represented to me, that an ensign of Amherst's regiment and two of Anstruther's had not joined their corps since their commissions were out, and that General Amherst's intentions were to supersede these officers, and put others in their room more disposed to serve, I have therefore taken upon me to appoint officers to these commissions in conformity to the General's intentions and for the good of his Majesty's service, waiting, however, till within a few days of our sailing for the arrival of these gentlemen.

There are no less than 100 invalids absolutely unfit for service in this corps of troops (47 of Fraser's regiment), 60 are to go home in the "Nightingale" and 40 in a cartel ship appointed by the Admiral to carry prisoners to France. I have filled up the vacancies in these regiments and enclose my report of it.

I have, &c.,

JAM. WOLFE.

NEPTUNE AT SEA,
6th June, 1759.

Trans-Atlantic steam navigation is of comparatively recent origin. The Cunard line, which was established in 1839, began to run fortnightly to Halifax and Boston in 1846. Previous to that time letters could not be sent from Canada to Great Britain through the United States, except by employing an agent in that country. It was not till 1849 that an arrangement was entered into with the United States for a free exchange of mails. No steps were taken to secure steam communication with the St. Lawrence until 1852, when an abortive attempt was made to obtain a line of steamers. In 1853, the firm of McKean, McLarty & Co., of Liverpool, took

the contract but could not fulfil the conditions that the passage was not to exceed 14 days, their vessels taking fully 20 days. They had, therefore, to abandon the contract, when the Messrs. Allan undertook the work, but the employment offered by the Crimean war, which, during the first years required many transport and store ships, proved too strong a temptation, the rates of freight offered for all available steam ships being too high to be resisted. It is generally believed and asserted as a fact that the first propositions to have mail steamers to the St. Lawrence were made in 1851 or 1852, but this is not correct, as on the 15th of February, 1825, a memorial was sent on behalf of the Knight of Kerry to Mr. Wilmot Horton, under Secretary of State for the Colonies, proposing that a steam service should be organized, as the letter transmitting the memorial says, "between Great Britain and Ireland and His Majesty's Dominions in North America." The subject being one of interest, the memorial is given in full, although it is of some length.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL, THE HUMBLE PETITION OF THE
SEVERAL PERSONS WHOSE NAMES ARE HEREUNTO SUBSCRIBED

SH EWETH :

That in the opinion of your petitioners the establishment of a line of packets or passage vessels to be propelled by steam from Great Britain to Nova Scotia, Canada, and the United States, would be attended with great national advantage to the United Kingdom generally, and might particularly be rendered productive of important benefit to the South of Ireland and His Majesty's Colonies in North America.

That your petitioners have bestowed very serious attention upon the investigation of this subject, and after having had recourse to the evidence of the numerous instances of successful navigation by *steam*, as well as to the testimony of the best practical engineers in Great Britain, they have perfectly satisfied themselves of the practicability, the convenience and the security thereof, as it regards the public, and if the undertaking shall happily obtain the countenance and support of Your Majesty's government, your petitioners hope to be enabled to render it advantageous to these of Your Majesty's subjects who shall take an interest therein.

That in carrying such a project into effect the plan which appears to your petitioners the most eligible is to establish the principal station at the harbour of Valentia (the most south-western part of Ireland) and at the port of Halifax, in Nova Scotia. In traversing the Atlantic ocean between these two principal stations, *two* steam vessels would, in the commencement of the adventure, be dispatched twice in the month, in company together, for the sake of mutual safety. At Halifax they would separate, the one continuing her course to New York, whilst the other would proceed through the Gut of Canso, and the Gulph and River St. Lawrence to Quebec and on their return from these points respectively, both vessels would again rendezvous at Halifax, and after embarking fuel for the voyage across the Atlantic, would depart together for Valentia, from which point they would again diverge, *one* vessel proceeding to Bristol, the *other*, or a smaller vessel in connection with the line, might be employed in extending the communication to the River Clyde and the west coast of Scotland. Thus the voyage from the *Southern* parts of the United Kingdom would commence at Bristol from the *Northern* parts at Glasgow or Greenock, and these being central points, every part of the country would have easy access to the benefits of the proposed communication.

The proposed establishment would be three vessels of 1,000 tons each and three vessels of 600 tons each to pass and repass every fortnight.

In the event of success being obtained, the establishment would be doubled and a weekly passage effected.

Your petitioners venture with great deference to suggest some of the manifold advantages which, in their opinion, would result to the Kingdom generally from the success of this undertaking, and which they trust may lead to its being deemed to merit the countenance and favour of Your Majesty's government.

1st. The facilities afforded to emigrants from Ireland and Scotland to proceed to Canada, and the convenience arising from the period of their *arrival* in the colony being previously ascertained, so as to enable the means to be arranged for immediately forwarding them to their ulterior destination.

2nd. The consequent increase of the population of that interesting and important Province, and of the produce to be derived therefrom, as well as of the means of defence, in the event of the Province being again exposed to attack or invasion.

3rd. The increased facility afforded to commercial relations and personal intercourse betwixt the United Kingdom and Your Majesty's colonies in North America, since it has invariably happened in all cases where steam navigation has been introduced, that the facility for travelling thereby afforded to the public has greatly increased the disposition to take advantage thereof.

4th. The celerity and certainty with which, in case of need, military or naval stores and detachments of Your Majesty's forces may be conveyed to any point in America; besides the facility and economy of the ordinary interchange of troops for the colonial service by previously ascertaining the time of their *arrival* as well as that of their *embarkation*, and consequently saving the time for which transports and storeships must now be hired and a great part of the provisions now necessarily shipped for a tedious and precarious voyage.

5th. The encouragement to industry and to the agricultural interest in the South Western ports of Ireland by the facility and rapidity of with which return cargoes of the produce of that district may be brought to England in the steam vessels which must be employed to carry coals to Valentia. This particularly applies to the article of *Butter* which is the staple commodity of that district, and which may thus be brought into fair competition with the same article from Holland.

6th. The beneficial effect which cannot fail to be produced in the character and disposition of the population of that district, by the diffusion amongst them of a spirit of contented industry arising from a ready market for their produce and a consequent demand for labour.

7th. To render available the harbour of Valentia which in the event of Your Majesty being involved in war with any maritime power will from its local position and natural capabilities be found to combine advantages of the highest importance both as a military and naval station commanding equally the South and West of Ireland for purposes of defence, menacing any point in the West of Europe and facilitating the most difficult and tedious part of the voyage to any part of America.

Your petitioners having thus suggested some of the public advantages which it appears to them would result from the success of their project beg permission to represent to Your Majesty that from the magnitude of the plan and the amount of capital required to carry it into effect, it is entirely beyond the reach of any private individual or even any private association of individuals and can only be attempted by a joint stock company or corporation to be constituted by your Majesty and formed by public subscription and your petitioners beg most humbly to submit the following circumstances to your Majesty's gracious consideration in support of the prayer of this their petition.

Your petitioners although they are themselves persuaded of the practicability and the safety of navigating the Atlantic Ocean in vessels propelled by steam, are yet perfectly aware that a great part of the public still entertain serious doubts upon this subject, and these doubts are to be satisfied only by a series of safe and successful voyages during which experiment all the expense of the undertaking will be incurred, while the remuneration arising from the conveyance of voluntary pas-

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sengers will in a great measure be retarded till the safety and the superior celerity of the proposed mode of conveyance shall be experimentally and fully established. To ascertain conclusively the success of this experiment will require a period of two or perhaps three years from the commencement of the undertaking and during the interval, the capital being necessarily advanced and the remuneration uncertain, or rather necessarily unequal to meet the expense, it is only from future advantages contingent upon the success of the project that any rational hope of remuneration can be entertained by those persons advancing their capital for the purpose. But after the project shall thus far have been successful unless your petitioners shall have some protection against competition, it is not only to be apprehended, but it may be considered as absolutely certain, that competitors in America as well as in England will spring up and avail themselves of the experience acquired at the expense of your petitioners and in the change in public opinion produced by the success of steam navigation. Having also no previous expenses or losses to make up and possessing the advantages in point of economy, as to ship building and outfitting which individual shipowners residing in sea ports must always possess over public companies who cannot so fully personally attend to the details of such matters, it is to be apprehended that such competitions and the reduced prices resulting therefrom will prevent your petitioners from ever recovering the losses which they may previously have sustained and, unless this apprehension can be obviated, your petitioners see no probability of obtaining from the public the capital requisite for the proposed undertaking.

Your petitioners venture respectfully to submit to Your Majesty their opinion that this reasonable apprehension can be satisfactorily obviated and capitalists induced to embark in what to many will appear a very hazardous speculation only by Your Majesty being graciously pleased to permit a charter of incorporation to pass the Great Seal forming your petitioners and such other persons as may be associated with them into a body corporate and granting to such body corporate the exclusive privilege of navigating vessels propelled by steam from the ports of the United Kingdom to those of your Majesty's colonies in North America during the term of at least fourteen years.

The competition which would naturally follow the success of the proposed body corporate in the establishment of steam vessels betwixt the ports of the United Kingdom and those of the United States of America and the competition always arising from the rates of passage demanded by sailing packets will at all times effectually prevent any abuse of this exclusive privilege, because unless your petitioners shall be enabled to offer the public superior accommodation at an equal price they cannot expect a preference over sailing vessels and if they shall be enabled so to offer to the public superior advantages it is but just that the benefits arising from these advantages should in some degree be protected to those who advance the capital and incur the risk which the proposed undertaking necessarily requires and involves.

Finally your petitioners beg permission humbly to represent that the protection and the privilege which they thus venture to solicit will not in any manner injure or interfere with any interest or trade now in existence and inasmuch as without being authorised to promise such protection and privileges to capitalists who may be thereby induced to embark in the proposed undertaking your petitioners have no hope of obtaining sufficient support to enable them to carry their design into operation, they humbly hope that the public benefits which have been represented as necessarily resulting from their success and which in all probability cannot be accomplished to the same extent by any other means, will appear to Your Majesty of sufficient national importance to merit Your Majesty's countenance and favour.

Your petitioners therefore most humbly pray Your Majesty that Your Majesty will be pleased to grant to your petitioners such exclusive privilege of navigating vessels to be propelled by steam for the purpose of conveying passengers to Nova Scotia and Canada for the term of fourteen years and that it may be referred to Your Majesty's Attorney or Solicitor General to approve a Royal Charter to embody your petitioners and such other persons as may think fit to become members into

a body corporate with a common seal with such powers and under such restrictions as to Your Majesty's law officers may seem fitting and that such charter when so prepared and approved may pass the great seal of Great Britain and Ireland.

And your petitioners will ever pray, &c. :

Ormond & Ossary.

M. Fitzgerald.

Simon McGillivray, Suffolk Lane, Merchant.

Wm. Levi Ogilvy, Ingram Court, Merchant.

G. R. Porter, Old Broad Street, Merchant.

Hugh Gray, New London Street, Merchant.

Levi Ames, Bristol, Banker.

John S. Hartford, Bristol, Banker.

Thomas Reynolds, Bristol, Merchant.

Peter Maze, Bristol, Merchant.

Robert Bright, Bristol, Merchant.

In previous reports information has been given respecting the internal water communication in the province; besides which the correspondence on the subject of canals is somewhat voluminous. But the obstacles thrown in the way of building the canal from Grenville to Carillon, to overcome the three rapids to be met with on that route have not been taken notice of in the reports of previous years.

One of the proprietors in the township of Chatham, along the line of the Grenville canal, was Mr. J. W. Grece, whose name is still attached to a point on the Ottawa. He seems from the first to have thrown every obstacle in the way of constructing the canal. In August, 1821, he came accompanied by a witness to warn Captain DuVernet of the Royal Staff Corps, who was in charge of the work, not to meddle with his lands till his consent was obtained. (Series C. vol. 39, p. 155). Lord Dalhousie, Governor General, has been charged by Grece with an attempt to seize the lands for the canal without compensation, but that His Lordship had every intention to make amends for any damage done does not admit of doubt. His memorandum on the claims of Donald Cameron and others showed this and the instructions to Mr. Finlay, who was sent to estimate the damage, fully confirms the fact of this decision having been arrived at even in the case of Mr. Grece, whose language was not well chosen to conciliate those on whom the decision of his claims so largely rested.

Lord Dalhousie charges Grece and another of behaving with violence, Grece "especially with such outrageous violence, that I should feel myself justified in refusing to them the smallest compensation or redress without an award at law." Yet he says further on "although I think them unreasonable yet I will not follow their example in conduct. I will do to them as I do now to others there, if they present their claim; if they do not they must proceed at law for I will not renew to them any such opportunity as this." (Series C. vol. 40, pp. 199, &c). Grece returned to England apparently about the end of 1823 and in the middle of January, 1825, he made a demand to be put in possession of such portions of the canal as were built on his land. The exact terms of his demands are in these words :

I know by the laws of my country (England) the Grenville Canal occupying as constructed my freehold land under no terms of bargain and sale is *mine as far as it is constructed upon my land* and I yield to my superior His Majesty's Secretary of State for Colonies his own election, either pay me for my land or *resign my canal to me.* (C. 174-1, p. 248). The injuries I have humbly represented are beyond sup-

posed, they are real; the Crown has taken my land, (that is visible for four miles, it is above supposition) for its own use, that the canal is a public benefit I confess, but it is a private deprivation. (p. 250).

In the following July, another petition was presented to the King for compensation for the land taken from him. In this it was stated that he had bought 5,000 acres of land in the township of Chatham, Lower Canada, of which by great exertion of brain and purse he had redeemed a large portion from a natural state of forest and was gradually improving the rest. His demand for compensation was, no doubt, just in itself, but his method of attempting to obtain redress cannot be admired, especially as the authorities had committed themselves in writing to discharge, after a proper report, the claims for the damage done to the lands through which the canal passed whether, as the official letter indicated, the claims could or could not in strict law be enforced by the courts, and a commissioner was appointed to ascertain the amounts equitably due to the claimants, of whom Mr. Grece was one, his claim being for the deprivation of four miles and three-quarters in length of his land, by which he is "now suffering obstructions manifest and he apprehends more." In the petitions he charged Lord Dalhousie with not having remunerated him for his "actual and present sufferings," and translated that part of Lord Dalhousie's letter which related to the claim into these words: "He was advised he had a right in law to take these lands *because* they are held under the tenure of free and common soccage"! The actual words used by Lord Dalhousie's secretary are:

The Grenville canal is a military work commenced to facilitate the defence of the country and that he (that is Lord Dalhousie) is advised that the Crown has a legal right in such case to take such part of the lands of private individuals held under grants in free and common soccage under the usual Provisos and conditions as it may require.

And I am further to acquaint you that without admitting your right in strictness of law to any compensation for such part of the land claimed by you as the canal may occupy, His Excellency is willing to grant you such compensation as may be considered reasonable in a fair estimation by persons named on the part of government and by yourself. (Q. 173-1, p. 31.)

In the report of the attorney and solicitor general on which Mr. Grece relied in support of his demand it is stated as a legal opinion that the power did not exist in the government to take possession of private property for a canal or other public work without compensation, unless a provision was in the deed authorizing the appropriation, which should be ascertained, but the report drew a marked distinction between the lands held under the old Canadian law and those held in free and common soccage so that, according to the legal authorities relied on by Mr. Grece Lord Dalhousie appears to have been justified in using the terms employed through his secretary, although on the assumption that the attorney and solicitor general were correct in their interpretation, he was not justified in stating that the Crown had the right to take possession of private property for public purposes, it being evident that His Lordship meant that he had the power to do so without compensation.

But although Lord Dalhousie had taken the general ground that he could take possession without compensation of lands held in free and common soccage for public purposes he in reality acted on the narrow basis of a reservation being in the

deed of the lands held by Mr. Grece empowering government to "take such part of the land thereby granted as may be required for works of military defence," in which category he placed the construction of the canal. According to Lord Dalhousie's statement, every effort was made to satisfy the land owners through whose property the canal was constructed and it was further stated that no objection was raised on the part of any of them until the land belonging to Mr. Grece was reached, when he at once lodged a protest and, according to the sworn affidavit of Corporal George Evans, of the Royal Staff Corps, made use of the foulest abuse, which it is not necessary to reproduce, which Lord Dalhousie considered, taken with his refusal to name any specific sum for the damage he alleged he had sustained, as an evidence that his real object was not to obtain an equitable compensation but to impede the progress of the canal. What the final decision was in the case of Mr. Grece is not shown in the papers under consideration.

Great importance was attached to internal communications for military purposes and to the establishment of military settlements to protect them. For the communication the construction of canals was advocated and the establishment of a practical water way from Montreal to Lake Ontario by the river Ottawa. The view taken by Lord Dalhousie of the means of reaching Kingston from the Ottawa differed from that of the other authorities, he not having apparently realized the fact that the canal to secure that communication was only part of a larger scheme. Writing in March, 1825, to Lord Bathurst on the subject, he informed His Lordship that it had been reported that there was an easy communication by the Rideau for half the distance to Kingston, but that careful examination had shown that a canal could not be built except at immense expense and that it would be better to make a military road or even a railway, which might be constructed at far less expense and in much less time. Such a communication he held to be of the highest importance and the more so because of the great population already gathered on the line of settlement. (Q. 172-1, p. 104.)

In previous reports will be found information respecting canals.

The proposal to have a railway built to connect Kingston with Ottawa is an early mention of this mode of conveyance. It is unnecessary to speak of the origin of railways from the first rude attempt to obtain an easier method of carrying coal from the pits to the sea board than was possible by the wretched roads then in existence down to the present condition of things when many thousand millions of money are invested in railway companies and employment is furnished by them to thousands of men. The suggestion of Lord Dalhousie for a railway is noteworthy. The first Act of incorporation for a railway (the Stockton and Darlington in the North of England) was granted so late as 1821, the line not being opened till September, 1825, whilst Lord Dalhousie's proposal was made in March of the last named year during the time he was on leave in Scotland. The subject of the communication between the Ottawa and Kingston Lord Dalhousie regarded as of so much importance that he asked Lord Bathurst to submit the question to the Duke of Wellington so that the best mode of establishing the communication might be ascertained. It is scarcely necessary to say to any one conversant with the history of engineering work in Canada that the canal to Kingston was completed, not without a good deal of friction between engineers and the appointment of commissions

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to settle the points in dispute as to its dimensions which was apparently done by the process of "splitting the difference."

The disputes between the governors and House of Assembly were not merely frequent; they were constant and led to repeated prorogations.

On the 27th May, 1827, Lord Dalhousie wrote to Lord Bathurst calling attention to the obstinate spirit of opposition in the Assembly of Lower Canada which would listen to no reason and he suggested a system by which he thought the mischievous influence of the leaders could be counteracted. The plan His Lordship proposed was, in effect, to establish functionaries throughout the province who would be in a position and would be disposed to support the government. The proposal was actually for the appointment of chief magistrates and lieutenants in counties, a measure which he believed to be within the prerogative and constitutional power of the Crown. (Q. 179-1, pp. 222-5).

On the other hand writing from Sorel to Mr. Wilmot Horton on the 20th August of the same year Dalhousie treated reports of "troubles in the Canadas" as only of importance outside, where the facts were not known and said that those who read both sides were well aware that there was no truth in the reports of troubles. Yet the same letter showed that in the election, then just completed, fewer supporters of the government than ever were returned and riots had taken place in Montreal. The Assembly, Lord Dalhousie added, was to be called together in November, and from the temper of the House, he told Mr. Wilmot Horton, "You must look forward to an almost immediate prorogation." He then asked Mr. Wilmot Horton to lay the letter before Lord Goderich, as a more formal communication would only give the subject importance.

Lord Dalhousie was not mistaken as to the temper of the House and that Mr. Papineau would be elected speaker. He considered that the violent speeches and writings of Mr. Papineau would not allow him to accept that gentleman should he be elected to that office and this he believed was generally known. Notwithstanding the knowledge of His Lordship's intentions, Mr. Papineau was elected, presented for acceptance, refused and a message sent to the House to elect some one else. Instead of complying an address was returned by the Assembly declaring that the King's approval of the speaker, before his election could take effect was a mere form and not necessary from a constitutional point of view and that the House insisted upon the election of Mr. Papineau to be speaker. On this the legislature was prorogued. The exact words of the resolution agreed to by the House were as follow:—

HOUSE OF ASSEMBLY,
THURSDAY, 22nd November, 1827.

Resolved. That it is necessary for the discharge of the duties imposed on this House, viz: to give its advice to His Majesty in the enactment of laws for the peace, welfare and good government of this province, conformably to the Act of the British Parliament under which it is constituted and assembled, that its speaker be a person of its free choice independently of the will and pleasure of the person entrusted by His Majesty with the administration of the local government for the time being.

Resolved. That Louis Joseph Papineau, Esquire, one of the members of this House, who has served as speaker in six successive Parliaments has been duly chosen by this House to be its speaker in the present Parliament.

Resolved. That the Act of the British Parliament under which this House is constituted and assembled does not require the approval of such person so chosen as speaker, by the person administering the government of this province in the name of His Majesty.

Resolved. That the presenting of the person so elected as speaker to the King's representative for approval is founded on usage only, and that such approval is and hath always been a matter of course.

Resolved. That this House doth persist in its choice and that the said Louis Joseph Papineau, Esquire, ought to be and is its speaker. (Q. 179-3, p. 457).

The divisions on all the resolutions were yeas 41, nays 4, the nays being the Solicitor General and Messrs. Christie, Stewart and Young. The address to the Governor in chief was in these terms:

HOUSE OF ASSEMBLY,
THURSDAY, 22nd November, 1827.

Resolved. That the following humble address be presented to His Excellency the Governor in chief.

May it please Your Excellency:—

We His Majesty's dutiful and loyal subjects the Assembly of Lower Canada, in Provincial Parliament assembled, having taken into our most serious consideration, the communication made to us by the Speaker of the Legislative Council by order of Your Excellency respecting our choice of a speaker humbly request Your Excellency to be fully assured that we sincerely respect the rights of His Majesty and His Royal Prerogative, which we acknowledge to be annexed to His Imperial Crown for the benefit and protection of his people. We are fully assured that Your Excellency could intend nothing which would destroy or diminish our constitutional privileges without which we cannot fulfil our important duties towards His Majesty and His people of this Province and in this persuasion we, in all humility, submit to Your Excellency that it is the incontestable right of the Commons of this Province to have the free election of one of their members to be their speaker and perform the duty of their House, that the speaker so elected and afterwards presented to the King's Representative, according to usage, ought always by uniform practice to be continued as speaker and fulfil his office as such, unless he be therefrom excused from corporal infirmity alleged by himself or on his behalf in full Provincial Parliament; that according to that usage Louis Joseph Papineau has been duly elected and chosen in consideration of his great ability and fitness, of which we have had experience during several Parliaments, and has been by us presented to Your Excellency as a person worthy of our confidence and who we conceived would be agreeable to Your Excellency, for which reason we humbly hope that Your Excellency, after having considered the old precedents, would be pleased to remain satisfied with our proceedings and not deprive us of the services of the said Louis Joseph Papineau as our speaker but that Your Excellency would be pleased to give us a favourable answer, such as His Majesty and His Royal Predecessors have ever given to their faithful Commons in such cases, in order that we may be enabled to proceed without further delay to the dispatch of the important and arduous affairs for which we are convoked, in which we hope to give convincing proofs of our affection for the King's service and of our solicitude for the peace and welfare of this province.

On the 10th December Lord Dalhousie gave a long account to Mr. Huskisson of the whole of the transactions leading to the rejection of Mr. Papineau for speaker and to the prorogation of the legislature. He charged a section of the population,

headed by Mr. Papineau, with endeavouring by every means to create a feeling of hostility to government. By means of abuse and by activity of communication with all parts of the province the factious leaders, thus described by Lord Dalhousie, succeeded in obtaining the return of their candidates. In spite of the state of excitement among the politicians, Lord Dalhousie regarded the movement as of slight consequence, although his own report indicated that a dangerous state of feeling existed. With respect to the disturbances that occurred, His Lordship said

In Montreal and immediate neighbourhood some scenes of violence occurred utterly disgraceful to those concerned and altogether different from the usual peaceable demeanour of the people, but in every other corner of the province I have great reason to praise the quiet and temperate conduct of these last elections.

I saw no cause to interfere in these circumstances, the abuse and the calumnies against government are disregarded by sensible men; and though they disturbed society for the moment in a week after the elections the excitement had died away and politics were no more heard of. (Q. 179-3, p. 465).

In June, 1824, Lord Dalhousie sailed from Quebec, on leave of absence, Sir Francis Burton being left to administer the government. In the course of his administration, he accepted Mr. Papineau as speaker and reported at the close of his first session, that all the differences between the two Houses had been settled, but the course followed by Sir F. Burton was not approved of and he left Quebec on the arrival of Lord Dalhousie, not to return. The disputes between Lord Dalhousie and the Assembly continued after his return and the feeling of hostility to him on the part of the Assembly did not cease after his tenure of office as governor had terminated in 1828, when Sir James Kempt succeeded him. A committee of the Assembly made a report on the 12th February, 1829, containing a series of resolutions adopted by the House condemnatory of Lord Dalhousie's course as governor in suppressing information, making use of his position to influence Parliamentary elections and generally charged him with abuse of his power and authority to promote his own political views. The correspondence indicates that Lord Dalhousie was in no respect inclined to yield his pretensions to those of the Assembly, and in this he was supported by members of the Executive and Legislative Councils, as is shown by a paper entitled "Memoir submitted to His Excellency George, Earl of Dalhousie.....on the subject of the political state of Lower Canada in the beginning of the year 1828." The paper was signed by James Kerr, describing himself as a member of the Executive and Legislative Councils but who was also judge of the court of vice admiralty. The opening paragraphs will show the nature of the memoir. After stating his offices in the Councils he considered it, he said, to be his duty

at this crisis, when by the inordinate pretensions of the House of Assembly and the seditious language used by many of its members and their adherents at public meetings, it is attempted to withdraw His Majesty's faithful Canadian subjects from their affections to the government, to lay the following brief exposition of the state of the colony before Your Lordship.

In the discharge of this sacred and painful task he ought not to omit stating that the seeds of discord were deeply and widely sown before Your Lordship assumed the administration. (Q. 182-2, p. 469).

It is unnecessary to trace further the political condition of Lower Canada. Discontent also existed in Upper Canada, but the official documents do not contain

so complete a picture of the state of political feeling there as those sent from Lower Canada do, the lieutenant-governor of Upper Canada not apparently considering it desirable to transmit the charges brought by their opponents against his advisers and administration in the same manner as was done in Lower Canada. It is evident, however, that there were considered by the leaders of the movement in Upper Canada, to be sufficient reasons for discontent in the fact, as they held, that all offices in the gift of the Crown were monopolised by a few families. A very amusing account is given in an anonymous letter addressed to Lord Bathurst and dated at Montreal in August (no year) of the, experience of an Oswego man, so called, on a visit to Toronto, incidents in which are most improbable, in fact the meetings with the same individual in his various official positions might very naturally be considered as impossible, but in an excited state of public feeling such narratives had no doubt a certain effect. The story is in these words :

The following very pleasant story was related to me a few days ago by an acquaintance on whose veracity I placed confidence. A gentleman crossed to York from Oswego; on arriving at the little capital he inquired for the Custom house, as he had some goods aboard to enter at that office; he was shown the place hard by the quay. The Collector proved to be a very mild, good natured gentleman as might be; quite a man of business too, very conversant with figures, in short a man very well known on 'Change as the saying is; he was Mr. William Allan. On opening his trunk Mr. Z. found some of his letters were to be left at the post office of York; he inquired where it was located and in the post master recognised—Mr. William Allan. He had some bills which he wished to discount, had them properly endorsed, posted off to the Bank of Upper Canada, was shown the president of that institution and that president was the indefatigable—Mr. William Allan. A day or two after he was accompanying a friend, who had come to town to pay some money for a store and tavern licenses: on arriving at the office of inspector of licenses, he was amazed to find that functionary also in the person of—Mr. William Allan. A review of the militia took place while he stayed; he had the curiosity to go to see it, and recognised in the Colonel his (new) old acquaintance—Mr. William Allan! A row took place in the hotel where he lodged, his evidence was wanted and the acting magistrate was—Mr. William Allan. Taking up a newspaper to amuse himself, he read the names of the society for strangers in distress, the treasurer was—Mr. William Allan. Walking with a friend to the hospital, he was told the names of the trustees; one of them was—Mr. William Allan. He happened to overhear a debate about a property which had been forfeited by a man who ran away in the time of war; the names of the commissioners were mentioned in the course of the argument and one of them was—Mr. William Allan. Another day he met a friend from Niagara in doleful mood, enquired the cause and was informed that the commissioners for war losses had cut off half his claim. Who are the commissioners? asked he of Oswego. The reply was A, B, C, D. and—Mr. William Allan. He sold some of his goods to a merchant who gave him an order on the treasurer of the district. The treasurer was—Mr. William Allan. He had occasion to enquire for a black chip hat and was directed for a good one to apply at the store of—Mr. William Allan. He could hold no longer but amazed, astonished and confounded exclaimed: How I pity the poor man, this Mr. William Allan, if he does the duty of so many situations, his life must surely be a burden to himself, and if he does not how I pity a country, the laws of which allow one man to hold such a number of important trusts at one and the same time. Poh! said my uncle Sim, who lives near President Allan, in the same street, you are a stranger and should be silent; you see but a small specimen of the blessings of our provincial government. The Colonel is an Aberdeensman. An Aberdeensman quoth I. Yes, says he, a Scotchman you know. Ah! I have you now, a favourite of the government. Exactly so, was the reply, a townsman of the Hon. and Rev. Dr. Strachan, owner of the palace there, a

real man of business and worth a plum; in short he is—he is—Mr. William Allan. (Q. 337-1 p. 111).

This is, no doubt, a fair sample of the method of criticising the actions of the ruling party in the province. It is remarkable that the chief justices of Upper Canada were in several instances the mouth pieces of the discontented. In the case of chief justice Powell he published a pamphlet attacking the lieutenant governor and Executive Council. In this pamphlet, according to the charges of the latter body he made inaccurate statements, and made use of correspondence which he garbled and mutilated. The reason alleged by the Council for the course followed by Mr. Powell was, that he was greatly dissatisfied because the attorney general, instead of himself, was entrusted with the duty of carrying to the Colonial Office a joint address from both Houses on the financial affairs of the province and that hence arose his hostility to the lieutenant governor and Council. Whether the charges were well or ill founded it led to a considerable amount of correspondence which will be found in volume 338-1 Series Q, pages 14 to 102, 140, 143.

With respect to the differences between the Assembly and the lieutenant governor an account is given of them by the latter in describing the events of the session which closed on the 30th January, 1826. He reported to the Colonial Secretary that he disagreed with the Assembly in the resolution to pay additional salaries to officers of their House, whose salaries were permanently fixed by statute and refused to comply with their address with that object in view. Several of the items in the contingencies of the session he also refused to sanction. Amongst others was a demand for the means to supply each member with newspapers, one of these being a paper published by Mr. Fothergill who, according to Sir Peregrine Maitland, had been dismissed from the management of the official gazette and was the mover and conductor of the committee on grievances. What gave some importance in Sir Peregrine Maitland's opinion, to the measure of the Assembly for circulating these newspapers was that thus an attempt was made to poison the public mind by means of scurrilous newspapers which not being supported by public patronage had on former occasions speedily sank; the means now attempted to be made use of to give these newspapers public pecuniary aid, it was calculated would prevent them from failing and give them a circulation they could not otherwise secure. Still quoting the lieutenant governor, he represented that the newspapers and reports of the debates which the Assembly were publishing and circulating at the public expense teemed with libels upon the legislative Council and he doubted whether that body "would concur in covering by bill charges notoriously incurred by the Assembly in endeavouring to force them upon public attention." How far the subsequent outbreaks in Upper and Lower Canada are attributable to the causes alleged by the respective governors of these provinces cannot be determined by the official documents now under consideration. The solution of that question is to be sought for largely by a comparison of the different accounts of the origin and progress of these disturbances to be found in various quarters, official and unofficial. The opinions held of the administration of Lord Dalhousie and Sir Peregrine Maitland were the most opposite possible, one side characterising the actions of these two governors as instigated by conscienceless self seekers who were amassing wealth at the expense of the respective provinces and monopolising all the posts of honour and emolument to the detriment of the rest of the population and that the governors were their

willing accomplices; the other side regarding them as governors with whom no fault could justly be found. In the present report is a calendar of the documents which give the views taken by these two governors of the duties imposed on them by their offices and exhibit the manner in which they felt it their duty to carry these out. The reports to the Secretary for the Colonies made by the respective governors may be studied with advantage as giving an account of the objects of these officials from the most favourable point of view, that is from their own, and with the advantage of knowing all the circumstances which might influence a decision, a knowledge not possessed by outside critics who, whether favourably or unfavourably disposed towards the governors, are usually obliged to judge from the most imperfect information.

One of the great evils of this ignorance is the misapprehension which is sure to exist on the part of the public, leaving them open to be influenced by interested agitators, as to the reasons for the action of the ruling powers in matters of importance to the community. As Lord Durham says in his report on Canada of 1839, in pointing out the evils which arise from the mystery shrouding the motives of the governor of a province and his advisers before the days of responsible government.

The most important business of government was carried on, not in open discussion or public acts, but in a secret correspondence between the Governor and the Secretary of State. Whenever the mystery was dispelled, it was long after the worst effects had been produced by doubt and misapprehension and the Colonies have been frequently the last to learn the things that most concern them, by the publication of papers on the order of the British Houses of Parliament. (Report P. F. 73, p. 39).

It is somewhat singular how the name of Charles Buller is constantly brought forward as the author of Lord Durham's report. Being chief secretary it was of course his duty to write out the report, as is done by others in a similar position. No doubt he did his fair share of the work of getting together the information on which the report was based, but the credit must be given to Lord Durham for the report as a whole. In the introduction is a singular sentence, if the report is not Lord Durham's, which would scarcely occur, certainly not in its exact form had the report been as suggested by his friends, the personal work of Mr. Buller, not subject to Lord Durham's revision or modification. The sentence is emphatic and is signed by Lord Durham as part of the report.

The administrative and legislative business which daily demanded my attention could, with difficulty, be discharged by the most unremitting labour on my own part and on that of all those who accompanied me from England, or were employed by me in Canada. (Report P. F. 73, page 6).

Certain parts of the work were put under the charge of Mr. Buller, on some of which he made a separate report, in others, reports were made to him by sub-commissioners and form part of the appendix; other portions of the work, which he had begun had necessarily to be completed after he left Canada. The question of whose was the actual hand that wrote the report is of no great consequence, but it has been considered of sufficient interest to have become historical. Dr. Kingsford in his "History of Canada" says that Greville is responsible for the statement that Buller was the author of the report, two chapters being contributed by Wakefield.

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Dr. Kingsford adds: "Thus Greville, repeating the mere gossip of the day, and 'always ready to chronicle anything unfavourable to Durham, is responsible for 'these doubts.' (History, vol. X, p. 120).

In 1825, Lord Dalhousie reported that in the previous year (1824) a literary society had been formed in Quebec, and that the warmth with which the proposal had been received gave perfect confidence in its success. The members had, at the first meeting, asked for the King's patronage but they differed as to the title of the society, whether it should be called the "Quebec Literary and Historical Society" or the "Literary and Historical Society of Canada," the question being left to the decision of His Majesty. As the title is "the Literary and Historical Society of Quebec," it is clear that the one which had the narrowest range was selected. On the 6th September, 1828, Lord Dalhousie strongly recommended that the charter of incorporation which the society asked for should be granted, as the society deserved this from the spirit of enquiry it had awakened. The progress of the society since that date is well known to every man who has paid the slightest attention to literary work in Canada, so that the narrower title has not narrowed its aims.

The steps taken by certain officers of ordnance to take possession for the Crown of part of the property of the baroness de Longueuil led to Lord Dalhousie making a vigorous protest against the independent action of the officers over which he could exercise no control, nor, as he complained, could he interfere with the officers, either in his capacity of Governor or in that of commander of the forces. He pointed out in strong terms the mischief that would arise from claims being advanced by military authorities on the strength of old and obsolete deeds for property held for many years. The suit in the Longueuil case "would most likely terminate against the military claim," yet would alarm every man of property at the idea of being placed at the mercy of a board of inferior officers. (Q. 179-1, p. 260). The memorial on the subject on behalf of the baroness de Longueuil states that the grant of the barony was made in the seventeenth century by the King of France and that unchallenged possession had since that time been held of the whole, with the exception of the part which had been taken possession of by the King of France for the construction of a fort and the ground thus occupied had subsequently been held on more than one occasion since the conquest of Canada to be amply sufficient for the purposes of the fort. Certain officers of the ordnance now sought to obtain possession of a large portion of the barony, the effect of which would be a serious reduction of income to the baroness and her family and the liability to action by the tenants for heavy damages. (Q. 179-1, p. 263). The ground for the claim advanced by the ordnance officers is thus stated in the memorial of the baroness which, if true, sufficiently justified Lord Dalhousie in his description of the pretensions of the officers of ordnance. "Singular is it to say the only pretext of right to 'this tract of land set up by these gentlemen rests in an ordinance of Monsieur 'Bigot, intendant, unratified by His Most Christian Majesty and consequently not 'a legal act of the Government.'" (Q. 179-1, p. 263). The answer made by Lord Dalhousie to the memorial was to the same effect as the statement contained in His Lordship's dispatch to Lord Goderich, namely, that he had no control over the inferior officers of whose action complaint was made. "The subject of it" (the complaint to wit) he said "is quite new to me, as taken up by a Board of officers

"who although inferior officers and under my immediate command, have acted without any reference to me, or authority from me." All he could do was to transmit the memorial to the Colonial Office, expressing his disapprobation of the course so hastily adopted by the officers at Montreal. (Q 179-1, p. 265.)

The course followed by Judge Willis in Upper Canada has been the subject of very varied judgments, but so far as published opinions show, the conduct of the judge has not met with a favourable verdict even from those most likely to coincide with his views and to justify his actions. The first notice of Mr. Willis that appears among the papers relating to Upper Canada in the Colonial Office Records is in a letter written by him to Lord Goderich, Colonial Secretary, dated 8th June, 1827, in which he said he was preparing to leave with Lady Mary Willis to take up his judicial appointment and asked to be presented to the King. (Q. 345-2, p. 353). His wife, the Lady Mary spoken of, was the daughter of the Earl of Strathmore; she did not, so far as can be gathered, contribute or add to his domestic happiness, whilst she greatly increased the expenditure of the household and finally eloped with an officer. Three weeks after the first letter was written Mr. Willis again urged upon Lord Goderich, the advisability of his being at once presented to the King, as there was no hope of a levée being held before he (Judge Willis) should leave for Upper Canada.

Having been trained at the Chancery Bar, he was naturally anxious that a plan for establishing a court of equity in Upper Canada, which had been talked of in the Colonial Office, but regarding which no determination had been arrived at, should be definitely constituted with himself as equity judge. On the 12th July, before sailing for Canada he had written to Lord Goderich that as it rested with the law officers of the Crown to arrange the patent of an equity judge for which alone he remained in England, he was anxious they would do so as he desired to leave and proposed to sail for Canada on the Tuesday following, provided he could take the necessary papers with him. (Q. 345-2, p. 355). Six days later, that is on the 18th of July, he wrote to Mr. Wilmot Horton, under secretary, that having been told verbally that he need not delay his departure on account of his commission as equity judge not being completed, that his salary for that office would begin on the day that letter was written and that his commission would be forwarded to him, he would leave next day for Liverpool to take his passage (page 356).

As Mr. Willis did not receive the promised appointment of Chancery judge, nor was the court established, it might naturally be considered that Mr. Wilmot Horton was either deceived himself or trying to deceive Mr. Willis, for, as a matter of fact, Mr. Willis came to Upper Canada simply as a puisne judge of the Court of King's Bench and it is this fact that throws doubt on the sincerity of Mr. Wilmot Horton's assurance. The dispatch from Lord Bathurst, dated 9th April, 1827, shows that Mr. Wilmot Horton only stated what was really intended to be done for Mr. Willis and the letter of introduction still more clearly shows that the court which it was proposed to create was to be presided over by Mr. Willis. In November of the same year, the law officers of the Crown interposed the real obstacle to the creation of a court of equity, Mr. Huskisson writing on the 25th of that month said that they "reported it as their opinion, that there is considerable doubt whether His Majesty lawfully could by letters patent under the Great Seal without the interven-

"tion of Parliament or of the Local Legislature create any new judge in equity in "Upper Canada." As still further showing the intention to carry out all promises made to Mr. Willis, Mr. Huskisson continued:

As it appears that Mr. Willis, at present one of the judges of the province, quitted this country upon an understanding that in the event of the erection of a new court of equity, he was to preside in it, that intention will of course be carried into execution if the provincial legislature should ultimately decide upon constituting a separate court of equity. (Series P.F. vol. 30, p. 141).

Chief justice Campbell and judge Sherwood gave a joint opinion taking the same view as the law officers on the power that it would be necessary to invoke for the creation of such a Court and attorney general Robinson agreed practically in their view although he fenced his opinion about with various alternative propositions. Mr. Justice Willis in his report contented himself with quoting the favourable opinion as to the value of a Court of Chancery of the legal authorities in the discussion of the report of the commissioners appointed to inquire what improvement could be made in the practice of the Court of Chancery in England and stated that he fully agreed with their estimate of the value of a Court of Chancery. The result of the discussion was to delay the erection of a Court of Chancery in Upper Canada for it was about ten years before one was established there. No doubt the governor's views on the subject had some effect and that Sir Peregrine Maitland was opposed to the creation of a Court of Chancery is reported by Mr. Justice Willis in his "Narrative of Occurrences" in which he states that when dining immediately after his arrival with Sir Peregrine Maitland he brought up the subject of the Court of Chancery and no doubt stated his expectation that he would be appointed to preside over it and was astonished at an expression which fell from Sir Peregrine and not less so at the tone in which it was uttered that he had not got the court of equity yet. (Series P.F. vol. 30, p. 273). This, so far as his published statements go, was the only drop of bitterness in the dinner and, according to his own account, he was received at the governor's and by all classes most hospitably. He says: "The inhabitants of York waited upon us in great numbers, almost overwhelming us with civilities." It is not, however, necessary to follow the history of the social life of Judge Willis, or to attempt to account for his political action or for the steps he took in his judicial capacity. Much of his course, it has been alleged, was owing to the unfriendly terms on which his wife and the wife of Sir Peregrine Maitland stood to each other. Both Judge Willis and his wife appear to have lost their heads, to have regarded the attentions paid to them as no more than what they were entitled to and to have looked down from a height of superiority on the provincials by whom they were surrounded. That at least is the impression left by a study of the correspondence, but the matter need not be dwelt upon, as such a course of conduct has no particular political importance except, it may be, to those brought into immediate contact with the actors on the scene, or from the opportunity the exhibition of differences on the Bench, or between the Bench and the Bar might afford to agitators to excite political feeling throughout the community. It is to the decisions of Judge Willis on the Bench, that attention must be directed, as it was on them that depended the propriety or otherwise of his removal from the Bench of Upper Canada. From the first there appears to have been little cordiality between the Judge and his colleagues, his strong desire to succeed the chief justice, apparently

leading him, in his impatience at the chief justice not resigning, to urge more strongly the question of the necessity not so much of three judges being necessary to form a legal court, as that these three judges must consist of the chief justice and the two puisne judges, thus depriving the chief justice of every occasion of obtaining rest and so compelling him to resign, if he desired to secure an opportunity of recovering his health. Nor had he more amicable relations with the attorney general. On the 12th April, 1828, a few months after his arrival, Judge Willis read a lecture to attorney general Robinson in the open court on his duties as public prosecutor. It was one instance of the feeling existing between the two; in Judge Willis's own words, the time had arrived "in which it must be determined, how far the Law Officers of the Crown are answerable to the judges of the province" (Series P. F. vol. 30, p. 16).

On the 30th May, 1828, Judge Willis wrote to Mr. Stephen, Counsel for the Colonial Office, that he had been led to the conclusion that the Court of King's Bench, as established in Upper Canada, could not legally sit in *Bank*, unless the chief justice and the two puisne judges were present, although he had followed the usual practice of two and sometimes only one judge sitting in term. This, however, he explained, was before he had closely examined the law, but now he declared it to be his duty to state in open court the view he entertained that all that had been, or might hereafter be done, without the court being, as he held, properly constituted by the presence of the chief justice and two puisne judges was and would be invalid. Next day he wrote to the Colonial Secretary in still more positive terms as to the invalidity of the actions of the court when not properly constituted. On the 26th of June, 1828, he wrote to the president of the Executive Council to the same effect. The result of this action, the efforts made by Judge Willis to have a court of chancery constituted, with himself presiding, or failing that to obtain the office of chief justice, the spirit of hostility which existed between him and the officials of the province and the state of feeling which his removal from the Bench created may all be traced in the correspondence in volumes 348 and 349 of series Q., and in the printed return laid before Parliament in 1829, marked P. F. vol. 30, besides correspondence scattered through the other volumes, abstracts of which are in the calendar of the documents relating to Upper Canada contained in the present report.

The plains of Abraham on which Wolfe died and which was the scene of events particularly interesting to Canada is very briefly referred to in the documents calendered in this report. On the 25th of February, 1827, the Board of Ordnance communicated to Mr. Wilmot Horton, Under Secretary of State for the Colonies, their opinion that it would be for the public interests that they should have control of that portion of the plains of Abraham which lay between the exercising ground and the citadel of Quebec, that is the part that belonged to the nuns of the Hotel Dieu. The decision, they proposed, should be left in the hands of Lord Dalhousie, but no evidence can be found of any action to carry out the recommendation of the Board of Ordnance. In April of the following year, Mrs. Agnes Thomson, represented to the Colonial Secretary that her late father, John Dowell, who had served in the 43rd Foot at the siege of Quebec, had received on his discharge the plains of Abraham as a grant for his services, but having returned to Ireland, he died there before any use could be made of the grant; his daughter, the memorialist, presumes

that the property reverted to the Crown. There seems to have been an error on the part of Mrs. Thomson as the land had been for many years in the possession of the Ursuline Nuns or those of the Hotel Dieu, the memorial not being specific as to the part of the plains said to have been granted to her father. That portion of the land which by lease was transferred to the Ordnance department, the lease to take effect on the 1st May, 1802 and subsist for 99 years, was the property of the Ursuline Nuns.

The blunder which led to the repulse and excessive loss of men in the attack on Montmorency has not in the opinion of all historians been thoroughly cleared up. In a note on the subject by Kingsford in his "History of Canada" (vol. 4, p. 254) he says: "The movement has never been accounted for. It has been attributed to a misconception of orders through the cheers of the sailors. Another explanation is, that a captain without orders caused the advance to be beat," but this last explanation seems in the highest degree improbable. As appears by Wolfe's own letter, he himself did not fully comprehend the cause of the undisciplined rush. Knox, in his "Historical Journal," does not attempt any explanation, but contents himself with publishing Wolfe's account of the progress of the siege, including the disaster to the Grenadiers in a slightly curtailed form (Vol. II., p. 41), and Wright, in his life of Wolfe, is satisfied to follow Knox, and to publish what the latter had given of the letter in his "Historical Journal," making some further omissions. Parkman, in his "Montcalm and Wolfe" (Vol. II., p. 231), says: "The first troops that landed from the boats were "thirteen companies of Grenadiers and a detachment of Royal Americans. . . . With the utmost precipitation, without orders, and without waiting for Monckton's brigade to come up, the Grenadiers in front made a rush for the redoubt near the foot of the hill," Garneau describes the defeat of the Grenadiers without further remark. (Histoire, 4th edition, Vol. II., p. 325.) Bradley, in "Wolfe," says: "The Grenadiers and Royal Americans now upon the shore were a little over one thousand in number. Before them lay 14,000 Frenchmen strongly intrenched. Little need be said, except that they behaved like madmen. Swelling with an overweening pride and confidence in their own powers, they would not wait even to form their ranks. The shouts and imprecations of their officers fell on deaf ears. Company after company they broke into a run and with loud shouts and in the utmost disorder, rushed each man for himself at the heights on which the French army lay. Their officers had nothing for it now but to go with them. It was a pitiable sight." Sergeant Johnson's account, the original of which is among the Archives, is closely followed by Parkman, who had access to a duplicate in the possession of a relative in Boston, Mass. The sergeant's account, being that of an eye-witness and the official report by Wolfe are the documents to be relied on for the story of the affair, at least from the British side, and show that evidently a blunder was committed by the troops in the attack. The Royal Magazine of 1759 says nothing of the disaster, but confines itself to an account of victories; the Annual Register of the same date adds no information to the subject, except the conjectural addition to Wolfe's account, that the Grenadiers impetuously rushed towards the enemy's intrenchments "from an ill-governed ardour," which is no doubt a very natural remark, for it is evident that no details could be added to those contained in the official dispatch.

It seems unnecessary to discuss the narratives of the death of Wolfe, the various authors of which whilst they vary in minute details are substantially in accord.

The papers contained in Note B relate to the establishment of land companies in Upper and Lower Canada, the companies in the latter province not coming into existence for several years after the establishment of the former. It was on the 31st of March, 1824, that Messrs. Hullett Brothers & Co., of London, gave it as their opinion to Mr. John Galt, that there would be no difficulty in raising the necessary capital for purchasing and bringing into cultivation the Crown reserves in Upper Canada, provided government would grant the lands at a moderate price and would engage to employ the money thus obtained in making roads and canals. Much correspondence took place and controversies arose on various points, the clergy for whom Dr. Strachan acted as spokesman, being greatly opposed to the disposal of the clergy reserves. (Diagrams of the lands in question are among the Archives in volume P.F. 141, 141a, &c). Finally an agreement was reached between Mr. Galt, on the part of the company, and Dr. Strachan on behalf of the clergy, which was assented to by government and the lands became the property of the company. Among these was what is known as the Huron tract, a report on which by Dr. Dunlop forms part of Note B. On this report Mr. Picken, who published in 1836, an emigration work in the interests of the company, or perhaps only of Mr. Galt says in his preface that on applying to the company for access to the report, he was refused a sight of the document, which is now published in full. After the arrival of Mr. Galt, the legal preliminaries having been disposed of, he determined to lay the foundation of the first town to be established under the auspices of the land company; accordingly the first tree was felled on the 23rd April, 1827, for the clearing of the site of what is now the city of Guelph. An error which is not uncommon, or unnatural, that the town of Galt was founded by John Galt, after his appointment on the land company, is shown by Mr. Galt's own account to be inaccurate as the town was named by Mr. William Dixon, in the township he had obtained from the Grand River Indians, where it was situated "long before the Canada Company was imagined; it had arrived at the maturity of having a post office, before I heard of its existence." As a matter of fact the post office was established there in 1825, as ascertained by Mr. W. Smith, B.A., of the Post Office Department.

To follow all the succeeding events in the establishment of the land company of Upper Canada would be as tedious as it is unnecessary, nor is it required to enter into the details of the misunderstandings that arose between Mr. Galt and Sir Peregrine Maitland, which to judge by the accessible documents seem to have arisen more from a want of caution in dealing with men on the part of Mr. Galt, so far as respected the interests of the company, than from any intention to offend Sir Peregrine, with whom, on the contrary, he appears to have taken all the means he could legitimately use, to live on friendly terms.

Mr. W. B. Felton, who unsuccessfully attempted to establish a land company in Lower Canada, writing from Spring Gardens on the 12th November, 1814, applied for land for himself, Charles Whiteher, John Felton and Charles Bridgman Felton who with their families proposed to settle in Lower Canada, but it was not till August, 1815, that they arrived, instructions to grant land to the party having preceded them. The terms, however, on which the lands were to be granted do not appear to have

been satisfactory to the associates, at all events they represented that these had been varied unknown to them before their embarkation; in the case of Mr. Felton, personally, he received compensation for lands which he complained had been granted to lieut. colonel Fulton, out of those already appropriated for him (Felton). On the 25th of January, 1822, Lord Dalhousie transmitted the names of three persons, proper to fill a vacancy in the Council and especially recommended Mr. Felton, so that in less than six years and a half he had secured from the governor a recognition that his services were valuable. About the end of 1823 or early in 1824, it appears from the correspondence that an attempt was made to form a company to acquire part of the Crown reserves in Lower Canada for speculative purposes, Mr. Peter Burnet, himself a land speculator having written to that effect on the 24th of May, 1824, at the same time offering to purchase 20,000 acres of these reserves. It is clear that Mr. Burnet was correctly informed that such a project was in contemplation, for on the 23rd of May, the day preceding Mr. Burnet's letter, Lord Dalhousie wrote to Mr. Wilmot Horton that he had been visited by a deputation on the subject of a land company similar to that proposed for Upper Canada, but His Lordship appears to have thrown cold water on the proposal, his strong desire, as appears from many letters written by him, being to have (Laépé settled as early as possible. At the meeting spoken of by Lord Dalhousie, the gentlemen interested in the formation of a company, submitted a statement of the terms and conditions on which it was proposed to form it. The attempt proved for the time abortive. A statement of the proceedings of the original promoters is contained in a report to the British American Land Company, dated 6th February 1832, signed by Nathaniel Gould, so well known in connection with colonial enterprise, which shows how near to realisation was the project as originally proposed. "The whole business," says the report, "was proceeding satisfactorily, when the events of the winter of 1825 (too well remembered) induced the committee to defer their labours to a more favourable opportunity." (Archives, series P.F., vol. 43, p. 6). The events of 1825 referred to are no doubt the effects of the financial depression of that time, which extended over the whole continent. It was, therefore, natural that in the beginning of the report, the meeting should have been reminded that it was the continuance of a plan long previously in contemplation, rather than a new measure upon which due consideration had not been bestowed. (Archives, P.F. 43, p. 5). Although the report was addressed to the British American Land Company, no such company, in reality, existed, as the letters patent granting the charter were not signed till the 20th March, 1834, nor did the Act of incorporation receive the Royal assent till the 22nd of May, of the same year (P.F., vol. 43, pp. 34 and 55). The first report, after the company was incorporated, was made to the shareholders on the 19th of June, 1834, in which it was announced that the Hon. Peter McGill and the Hon. George Moffatt of Montreal had been appointed commissioners and had consented to act, the headquarters to be in Montreal, with a subordinate office in the township and that officers had been appointed.

The quantity of Crown and clergy reserves in Lower Canada and the price of land in each district of Upper Canada, the latter as reported on in a minute of the Executive Council, dated 9th June, 1826, are of interest, the latter especially as affording a comparison of the value of land at that date and now.

In Note C, under the title of the "Naturalization question," are given papers on each side relating to this controversy, which stirred up bitter feelings on both sides. The election of Mr. Barnabas Bidwell, an alien, to the Assembly of Upper Canada was declared by the law officers of the Crown in England to be illegal, the opinion, as shown by its phraseology, being given on a question, the solution of which depended merely on the interpretation of the law, without reference to the moral or political character of the person to be affected by the decision. As will be seen by the document, the two jurists reported that they were of opinion that neither Mr. Barnabas Bidwell, nor his son was eligible to sit as a representative in the Assembly of Upper Canada. Bidwell was returned for Lenox and Addington, but expelled from the Assembly for a reason, which only applied to himself personally, but in no respect settled the question of the admission to the Assembly of aliens who had not complied with the obligations of the law respecting naturalization. A new law was passed by which the son of Mr. Barnabas Bidwell was rendered eligible for election, the Act providing only that a residence of seven years in the province should render persons so residing qualified for election to the provincial Parliament. This Act enabled Mr. Bidwell's son to be returned to the House, but an examination of the documents published in Note C will show that the Act did not settle the question, the introduction of a new Act being considered necessary for the protection of aliens, whose rights to hold property might have been attacked and as the courts of law are bound to interpret the law as it stands the just claims of many might have been set aside on the ground that they had not complied with the provisions of the Act affecting the status of aliens in respect to the holding of real estate. It would be entirely out of place to print the abuse heaped by one party on the other (although one of the least offensive specimens has been given) or the misrepresentations by which the opponents of the different measures were encouraged, or misled, in their opposition and this remark undoubtedly affects both sides neither being able in this respect to cast a stone at the other. If a close examination is given to the papers in Note C, that will render further remarks unnecessary.

The whole respectfully submitted.

DOUGLAS BRYMNER,
Archivist.

OTTAWA, 31st December, 1898.

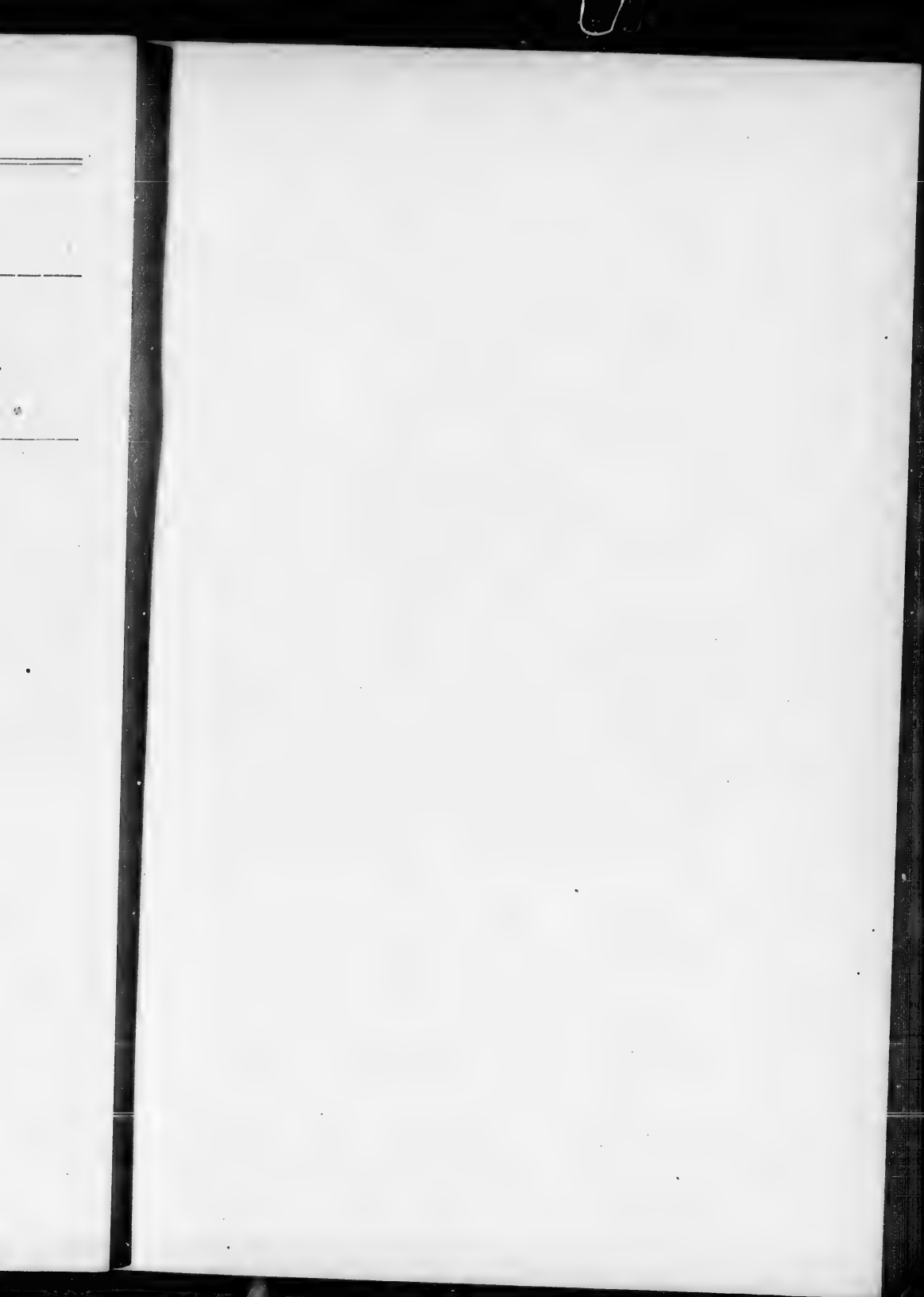
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Stone, V

LIST OF BOOKS, ETC., PRESENTED, WITH NAMES OF GIVERS.

xxix

Names.	Residences.	Works.
Aberdeen, Her Excellency The Countess of.	Ottawa.	Women Workers of Canada, 1894-97.
Audette, L. A.	"	Exchequer Court Reports.
Baby, Hon. Justice.	Montreal.	Manuscripts.
Bain, James, jun.	Toronto.	Reports of Toronto Public Library.
Bates, E. B.	Ottawa.	Directories.
Biggar, E. B.	Toronto.	Anecdotal Life of Sir J. A. Macdonald.
Board of Trade.	Rossland.	Pamphlet.
Bulger, A. E.	Montreal.	Notes on the Selkirk Settlement.
Canadian Society of Civil Engineers.	"	Transactions, &c.
Craig, Richard.	Truro, N.S.	Memorial.
Cruikshank, Capt. E.	Fort Erie.	Pamphlets.
Durrett, R. T.	Louisville.	Filson Club Publications.
Fraser Institute.	Montreal.	Reports from 1891 to 1898.
Fraser, C. G.	Toronto.	Canadian History Notes.
Gerin, Léon.	Ottawa.	Papers on education.
Hamilton Spectator.	Hamilton.	Wentworth Landmarks.
Harvard University.	Cambridge, Mass.	Bibliographical Contributions.
Historical MSS. Commission.	London, England.	Publications.
Howe, Jonas.	St. John, N. B.	Reports of New Brunswick.
Johnson, Geo.	Ottawa.	Pamphlets.
Laval University.	Quebec.	L'Année Académique.
MacLeod, Malcolm.	Ottawa.	John MacLeod's letters, &c.
McLaughlin, S.	California.	Quebec Directory.
McLachlan, R. W.	Montreal.	Pamphlets, Canadian Jubilee Medals.
McMahon, E.	Ottawa.	C. C. Exhibition prize list, official programme.
Manitoba Historical and Scientific Society.	Winnipeg.	Report.
Mayor of Hamilton.	Hamilton.	City of Hamilton (illustrated).
Minnesota Historical Society.	St. Paul.	Collections.
Mott, Henry.	Montreal.	Pamphlets.
Murdoch, William.	St. John, N. B.	Sewerage and water supply.
New Brunswick Historical Society.	St. John.	Collections.
New York State Library.	Albany.	Public papers of Governor Tompkins; Memoir of William Kelly.
Niagara Historical Society.	Niagara.	Transactions.
Ontario Historical Society.	Toronto.	Report.
Ontario Land Surveyors.	"	"
Osgood, H. L.	Rochester, N. Y.	Sullivan's Campaign.
Parkman Club.	Milwaukee.	Publications.
Pioneer Historical Association.	Toronto.	Report.
Providence Public Library.	Providence.	Monthly Bulletin.
Remington, Cyrus K.	Buffalo.	Report.
Rhode Island Historical Society.	Providence.	Publications.
Rogers, Hon. Justice Horatio.	"	Pamphlet.
Roy, J. E.	Lévis.	Histoire de La Seigneurie de Lauzon.
St. Louis Mercantile Library.	St. Louis.	Report.
Scottish Geographical Society.	Edinburgh.	Magazines.
Shortt, Adam, M.A.	Kingston.	Early History of Canadian Banking.
Smart, J., Deputy Minister.	Ottawa.	Pamphlets.
Smith, J. H.	Hamilton.	Historical sketch of the County of Wentworth.
Stewart, MacLeod.	Ottawa.	Pamphlets.
Stone, W. L.	Mount Vernon.	Records of New Amsterdam, 7 vols.

Names.	Residences.	Works.
Thwaites, Reuben Gold	Madison	Wisconsin Historical Collections.
University of New York	Albany,	Pamphlets.
University of Michigan	Ann Arbor,	Calendar.
Walker, B. E.	Toronto	Why Canada is against Bi-Metallism.
White, Richard	Montreal	People's Almanac, 1898.
Wisconsin State Historical Society	Madison	Reports.
Yale University	New Haven	Report.



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NOTE A.

SIEGE OF QUEBEC.

No. 1.—WOLFE TO ——— (PITT ?).

(*Canadian Archives,, Series M, Vol. 210, p. 80.*)

CAMP OF MONTMORENCI, 2nd Sept., 1759.

SIR,—I wish I could upon this occasion have the honour of transmitting to you a more favourable account of the Progress of His Majesty's Arms. But the obstacles we have met with in the Operations of the Campaign are much greater than we had reason to expect or could foresee. Not so much from the number of the Enemy (tho' superior to us) as from the natural strength of the Country which the Marquis de Montcalm seems wisely to depend upon.

When I learn't that succours of all Kinds had been thrown into Quebec, That five Battalions of regular Troops compleated from the best of the Inhabitants of the Country, some of the Troops of the Colony and every Canadian that was able to bear Arms, besides several Nations of Savages, had taken the Field in a very advantageous situation, I could not flatter myself that I should be able to reduce the Place; I sought however an occasion to attack their Army, Knowing well that with these Troops I was able to fight. And hoping that a Victory might disperse them.

We found them incamp'd along the Shore of Beauport, from the River St. Charles to the Falls of Montmorenci & intrench'd in every possible part. The 27th of June we landed upon the Isle of Orleans, But receiving a Message from the Admiral that there was reason to think the Enemy had Artillery & a Force upon the Point of Levi, I detach'd Brigadier Monckton with four Battalions to drive them from thence. He pass'd the River the 29th at Night & march'd the next day to the Point, He obliged the Enemy's irregulars to retire & possess'd himself of that Post: The advanced Partye upon this occasion had two or three Skirmishes with the Canadians & Indians with little loss on either side. Colonel Carleton march'd with a detachment to the Westernmost point of the Isle of Orleans, From whence our Operations were likely to begin.

It was absolutely necessary to possess these two Points and fortify them; Because either from one or the other, the Enemy might make it impossible for any Ship to lye in the Bason of Quebec, or even within two miles of it.

Batterys of Cannon and Mortars were erected with great dispatch, on the Point of Levi, to bombard the Town and Magazines and to injure the Works & Batterys. The Enemy perceiving these works in some forwardness pass'd the River with 1600 men to attack and destroy them; Unluckily they fell into Confusion, fired upon one another, and went back again, By which we lost an Opportunity of defeating this large Detachment.

The Effect of this Artillery has been so great (tho' across the River) that the Upper Town is considerably damaged, and the lower Town entirely destroy'd.

The works for the Security of our Hospitals & Stores on the Isle of Orleans being finished on the 9th of July at night, we pass'd the North Channel & incamp'd near the Enemy's left the River Montmorenci between us. The next morning Captain Danks's Company of Rangers posted in a wood to cover some Workmen, were attack'd and defeated by a Body of Indians, And had so many kill'd and wounded as to be almost disabled for the rest of the Campaign. The Enemy also suffer'd in this Affair & were in their turn driven off by the nearest Troops.

The Ground to the Eastward of the Falls seem'd to be (as it really is) higher than that on the Enemy's side, & to command it in a manner which might be made usefull to us; There is besides a Ford below the Falls, which may be pass'd for some hours in the latter part of the Ebb & beginning of the Flood Tide; And I had hopes that possibly, means might be found of passing the river above, so as to fight the Marquis de Montcalm upon terms of less disadvantage than directly attacking his Intrenchments. In reconnoitring the River Montmorenci we found it fordable at a place about three miles up, But the opposite Bank was intrench'd and so steep & woody, that it was to no purpose to attempt a Passage there; The Escort was twice attack'd by the Indians, who were as often repulsed, But in these Rencontres we had forty (Officers & men) kill'd & wounded.

The 10th of July, two men of war, two arm'd Sloops, & two Transports with some Troops on board pass'd by the Town without any Loss, & got into the Upper River; This enabled me to reconnoitre the Country above, where I found the same attention on the Enemy's side & great difficulty on ours, Arising from the nature of the Ground, & the obstacles to our Communication with the Fleet. But what I feared most was that if we should land between the Town and the River Cap Rouge, the Body first landed could not be reinforced before they were attack'd by the Enemy's whole Army.

Notwithstanding these difficulties I thought once of attempting it at St. Michels, about three miles above the town; But perceiving that the Enemy were jealous of the design, were preparing against it & had actually brought Artillery & a Mortar (which being so near to Quebec they could increase as they pleased) to play upon the shipping; And as it must have been many hours before we could attack them (even supposing a favourable night for the Boats to pass by the Town unhurt) it seem'd so hazardous, that I thought it best to desist.

However, to divide the Enemy's force, & to draw their attention as high up the river as possible, And to procure some intelligence, I sent a detachment under the command of Colonel Carleton, to land at the Point de Trempe, to attack whatever he might find there, bring off some Prisoners, & all the useful Papers he could get. I had been informed that a Number of the Inhabitants of Quebec had retired to that place, And that probably we should find a Magazine of Provisions there.

The Colonel was fired upon by a Body of Indians, the moment he landed, but they were soon dispersed & driven into the woods; He searched for Magazines but to no purpose, brought off some Prisoners, & return'd with little loss.

After this business I came back to Montmorenci, where I found that Brigadier Townsend had by a superior fire prevented the French from erecting a Battery on the Bank of the River from whence they intended to cannonade our Camp.

I was resolved to take the first opportunity which presented itself, of attacking the Enemy tho' posted to great advantage, & everywhere prepared to receive us.

As the men of War cannot (for want of a sufficient depth of water) come near enough to the Enemy's Intrenchments to annoy them in the least; The Admiral had prepared two Transports (drawing but little water) which upon occasions could be run aground, to favour a Descent with the help of these Vessels which I understood would be carried by the Tide close in shore, I proposed to make myself Master of a detach'd Redoubt near to the water's Edge, & whose situation appear'd to be out of Musket Shot of the Intrenchment upon the Hill. If the Enemy supported this detach'd place, it would necessarily bring on an Engagement, what we most wish'd for; And if not, I should have it in my power to examine their situation, so as to be able to determine where we could best attack them.

Preparations were accordingly made for an Engagement; The 31st of July, in the forenoon the boats of the Fleet were fill'd with Grenadiers & a part of Brigadier Monckton's Brigade from the Point of Levi; The two Brigades under Brigadiers Townsend & Murray were order'd to be in readiness to pass the Ford when it should be thought necessary; To facilitate the passage of this Corps, The Admiral had placed the Centurion in the Channel so that she might check the fire of the lower Battery, which commanded the Ford, This Ship was of great use, as her fire was very judiciously directed.

A great quantity of Artillery was placed upon the Eminence, so as to batter and enfilade the left of their Intrenchments.

From the Vessel which run aground nearest in I observed that the Redoubt was too much commanded, to be kept without very great loss, And the more as the two arm'd ships could not be brought near enough to cover with their Artillery and Musquetry, which I at first conceived they might. But as the Enemy, seem'd in some Confusion, And we were prepared for an Action, I thought it a proper time to make an Attempt upon their Intrenchments.

Orders were sent to the Brigadiers general to be ready with the Corps under their command. Brigadier Monckton to land, And the Brigadiers Townshend and Murray to pass the Ford. At a proper time of the Tide, the Signal was made, But in rowing towards the Shore many of the Boats grounded upon a Ledge that runs off a considerable distance; This Accident put us into some Disorder, lost a great deal of time, and obliged me to send an Officer to stop Brigadier Townshend's march, who was then observed to be in motion. While the Seamen were getting the boats off, the Enemy fired a number of Shells & Shot, but did no considerable damage. As soon as this Disorder could be set a little to Rights, and the Boats were ranged in a proper manner, Some of the Officers of the Navy went in with me to find a better place to land; we took one flat bottom'd Boat with us to make the Experiment, & as soon as we had found a fit part of the Shore, the Troops were order'd to disembark; Thinking it not yet too late, for the attempt.

The thirteen Companies of Grenadiers & 200 of the second Royal American Battalion got first on Shore, The Grenadiers were ordered to form themselves into four distinct bodies and to begin the Attack, Supported by Brigadier Monckton's Corps, As soon as the other Troops had passed the Ford and were at hand to assist; But whether from the noise & Hurry at landing, or from some other Cause, The Grenadiers instead of forming themselves as they were directed, ran on impetuously towards the Enemy's Intrenchments in the utmost Disorder & Confusion Without waiting for the Corps which were to sustain them & join them in the Attack. Brigadier Monckton was not landed & Brigadier Townshend was still at a considerable distance, tho' upon his march to join us, in very great order.

The Grenadiers were check'd by the Enemy's first Fire, & obliged to shelter themselves, in or about the Redoubt which the French abandon'd upon their approach; In this situation they continued for some time, unable to form under so hot a fire, & having many Gallant Officers wounded, who (careless of their Persons) had been solely intent upon their Duty. I saw the absolute necessity of calling them off, that they might form themselves behind Brigadier Monckton's Corps, which was now landed, & drawn up on the Beach in extream good order.

By this new Accident & this second Delay. It was near Night; A Sudden Storm came on & the Tide began to make, So that I thought it most advisable not to persevere in so difficult an Attack, least (in case of a Repulse) the Retreat of Brigadier Townshend's Corps might be hazardous & Uncertain.

Our Artillery had a great Effect upon the Enemy's left where Brigadiers Townshend & Murray were to have attack'd, And it is probable that if those Accidents I have spoken of, had not happen'd, we should have penetrated there, Whilst our left & center, more remote from our Artillery, must have bore all the Violence of their Musquetry.

The French did not attempt to interrupt our March; Some of their Savages came down to murder such wounded as could not be brought off. And to scalp the Dead as their Custom is.

The Place where the Attack was intended, has these Advantages over all other hereabout. Our Artillery could be brought into Use. The greatest Part, or even the Whole of the Troops might act at once—And the Retreat (in case of a Repulse) was secure, at least for a certain time of the Tide. Neither one nor other of these Advantages can anywhere else be found. The Enemy were indeed posted upon a commanding Eminence—The Beach upon which the Troops were drawn up, was of deep Mud, with Holes, & cut by several Gully's—The Hill to be ascended, very steep & not every where practicable.

The Enemy numerous in their Intrenchments, and their Fire hot. If the Attack had Succeeded, our Loss must certainly have been great, And theirs inconsiderable from the shelter which the neighboring Woods afforded them. The River St. Charles still remained to be pass'd before the Town was invested. All these Circumstances I considered, but the Desire to Act in Conformity to the King's intentions induced me to make this Trial. Persuaded that a victorious Army finds no Difficultys.

The Enemy have been fortifying ever since with Care, so as to make a second Attempt still more dangerous.

Immediately after this Check, I sent Brigr Murray above the Town with 1200 men, Directing him to Assist Rear Admiral Holmes in the Destruction of the French Ships (if they could be got at) in order to open a Communication with General Amherst.

The Brigadier was to seek every favourable opportunity of fighting some of the Enemy's Detachments, provided he could do it upon tolerable Terms. And to use all the means in his Power to provoke them to Attack him.

He made two different attempts to land upon the North Shore, without Success, But in a third, was more fortunate. He landed unexpectedly at Dechamband, & burn't a Magazine there, in which were some Provisions, some Amunition, And all the Spare Stores, Clothing, Arms, & Baggage for their Army. Finding that their Ships were not to be got at, & little Prospect of bringing the Enemy to a Battle, He reported his Situation to me & I order'd him to join the Army. The Prisoners he took, inform'd him of the Surrender of the Fort of Niagara—And we discover'd by intercepted Letters that the Enemy had abandon'd Carillon & Crown Point, were retired to the Isle aux Noix, And that General Amherst was making Preparations to pass the Lake Champlain, to fall upon Monsieur de Bourlemagne's Corps which consists of three Battalions of Foot, and as many Canadians as make the whole amount to 3000 Men.

The Admiral's Dispatches & mine would have Gone Eight or ten Days sooner if I had not been prevented from writing by a Fever;—I find myself so ill, & am still so weak that I begg'd the General Officers to consult together for the Publick Utility. They are all of opinion that, (as more Ships & Provisions have now got above the town) they should try by conveying up a corps of 4 or 5000 men (which is nearly the whole strength of the Army, after the Points of Levi & Orleans are left in a proper state of Defence) to draw the Enemy from their present Situation, & bring them to an Action—I have acquiesced in their Proposal, & we are preparing to put it in Execution.

The Admiral and I have examined the Town, with a View to a general Assault; But after consulting with the Chief Engineer who is well acquainted with the interior parts of it. And after viewing it with the utmost Attention, We found that tho' the Batterys of the lower Town might be easily silenced by the men of War, yet the Business of an Assault would be little advanced by that, Since the few Passages that lead from the lower to the upper Town are Carefully intrench'd, And the upper Batterys cannot be affected by the Ships which must receive considerable Damage from them & from the Mortars.

The Admiral would readily join in this or in any other Measure for the Publick Service, But I could not propose to him an Undertaking of so dangerous a Nature & promising so little Success.

At my first coming into the country I used all the means in my Power to Engage the Canadians to lay down their Arms, by offer of such Protection & Security for themselves their Property and Religion, as was consistent with the Known Mildness of His Majesty's Government. I found that good Treatment had not the desired effect, so that of late I have changed my Measures and laid waste the country partly to engage the Marquis de Montcalm to try the Event of a Battle to prevent the Ravage and partly in Return for many Insults offer'd to our People by the Canadians, As well as the frequent Inhumanitys exercised upon our own Frontiers. It was necessary also to have some Prisoners as Hostages for their good Behaviour to our People in their hands, whom I had reason to think they did not

use very well. Major Dalling surprised the Guard of a Village & brought in about 380 Prisoners, which I keep not proposing any Exchange till the end of the Campaign.

In case of a Disappointment I intended to fortify Coudres & leave 3000 men for the Defence of it, But it was too late in the Season, to collect Materials sufficient for covering so large a Body.

To the uncommon Strength of the Country, the Enemy have added (for the Defence of the River) a great Number of Floating Battery's & Boats. By the vigilance of these, And the Indians round our different Posts, It has been impossible to execute anything by Surprise:—We have had almost daily Skirmishes with those Savages, in which they are generally defeated, But not without Loss on our side.

By the List of disabled Officers (many of whom are of Rank) you may perceive, Sir, that the Army is much weaken'd. By the nature of the River, The most formidable part of this Armament is deprived of the Power of acting. Yet we have almost the whole Force of Canada to oppose. In this Situation, there is such a Choice of Difficultys, that I own myself at a Loss how to determine. The Affairs of Great Britain I know, require the most vigorous Measures; But then the Courage of a Handful of brave Men should be exerted, only where there is some Hope of a favourable Event.

However you may be assured, Sir that the Small Part of the Campaign which remains shall be employ'd (as far as I am able) for the Honour of His Majesty & the Interest of the Nation, In which I am sure of being well seconded by the Admiral and by the Generals. Happy if our Efforts here can contribute to the Success of His Majesty's Arms in Any other Parts of America.

I have the honour to be with the greatest Respect.

Sir,

Your most obedient and most humble servant,

JAM. WOLFE.

NOTE A.—No. 2.—EXTRACT FROM JOURNAL OF QUARTER MASTER SERGEANT JOHN JOHNSON.

(*Canadian Archives, Series M., Vol. 132, page 21.*)

Thirteen Companies of Grenadiers, with two hundred of the Second Battalion of Royal Americans, were the first who landed:—They had, previous to their landing received instructions to form in four distinct Bodies, on the beach, and then march up and begin the attack, by Storming the Batteries and Redoubts on the beach, which lay below their intrenchments, that were on the eminence above them: they were to be supported by Brigadier General Monckton's Brigade, as soon as they were landed, and should be joined by the two Brigades from Montmorenci; who were then on the march and had actually crossed the ford:—But it often happens that the best concerted plans gets marred in the execution, so it happened here; the Grenadiers, by neglecting their instructions, threw the whole into disorder and confusion; for they had no sooner landed, but without waiting to be drawn up in any regular form, as they were ordered; rushed impetuously up, towards the enemy's intrenchments; those Batteries and Redoubts on the beach, as before mentioned were abandoned by the enemy upon the first landing of the Grenadiers: The very first fire from the enemy's intrenchments was so well laid, that it checked their impetuosity and put them into the utmost disorder and confusion and obliged them to take shelter in a Redoubt, which the enemy had abandoned at their first landing and where they were forced to remain for some time, as being unable to recover themselves under so hot a fire as the enemy kept up:—General Wolfe seeing their situation, and the danger to which they were exposed, and that all their endeavours to recover themselves proved unsuccessful, he ordered them to Retreat and form

behind Brigadier General Monckton's Brigade; who were by this time all landed and formed on the beach in good order; and were also Joined by the two Brigades from Montmorenci.

NOTE A, No. 3—MONCKTON TO PITT.

(*Canadian Archives, Series M, Vol. 210, p. 100.*)

CAMP AT POINT LEVI, 15th Sept., 1759.

SIR,—I have the Pleasure to acquaint you that on the 13th Inst. His Majesty's Troops Gain'd a very Signal Victory over the French, a little above the Town of Quebec. Genl. Wolfe exerting himself on the Right of our Line Receiv'd a Wound pretty Early, of which he Dyed soon After And I had Myself the Great Misfortune of receiving one in my Right Breast by a Ball that went through Part of My Lungs, & was cut out under the Blade Bone of my Shoulder, Just as the French were giving Way which obliged me to quit the Field. I have therefore, Sir, desir'd Genl. Townshend, who now Commands the Troops before the Town (and of which I am in hopes he will soon be in possession) to Acquaint you with the Particulars of that Day—And of the Operations Carrying On.

I have the Honour to be

With the Greatest Respect, Sir,

Your most obedient

Humble Servt.

ROBERT MONCKTON.

To the Right Hon'ble

WM. PITT, Esq.

P. S. His Majestys Troops behav'd with the greatest Steadiness & Bravery—As the Surgeons tell me there is no danger in my Wound I am in hopes that I shall be soon able to join the Army before the Town.

NOTE A—No. 4—GENERAL TOWNSHEND TO MR. PITT.

(*Canadian Archives Series M. Volume 210, p. 101.*)

SIR,—I have ye Honour to acquaint you the Success of his Majestic's Arms on the 13th Instant in an Action with the French on ye Heights to ye Westward of this Town.

It being determined to carry the operations above ye Town, the Posts at Point Levi & L'Isle d'Orleans being secured the General marched with ye remainder of, his Force from Point Levi the 5th & 6th & embark'd them in Transports which had passed the Town for that purpose. On the 7th, 8th, & 9th. A movement of the Ships was made up by Admiral Holmes in order to amuse the Enemy now posted along the North Shore, but the Transports being extremly crowded & The Weather very bad the General thought proper to cantoon half his troops on the South Shore where they were refresh'd and reembark'd upon the 12th at one in ye morning. The Light Infantry commanded by Colonel Howe The Regiments of Bragg's Kennedys, Lascelles & Anstruthers, with a Detachment of Highlanders and the American Grenadiers. The whole being under ye command of Brigadiers Monckton and Murray were put into ye Flat Bottom'd Boats & after some Movement of ye Ships made by Admiral Holmes to draw ye attention of ye Enemy above. The Boats fell down with ye Tide & Landed on ye North Shore within a League of Cape Diamond an Hour before Day break. The rapidity of ye Tide of Ebb carried them a little below ye intended place of Attack, which obliged the Light infantry to scramble up a woody precipice in order to secure ye landing ye troops by dislodging a Captain's-Post which defended ye small intrench'd path ye Troops were to ascend after a little firing the Light Infantry gained the Top of the Precipice & dispersed ye Captain's Post by which means The Troops with very little loss from a few Canadians and Indians in ye wood got up and were immediately form'd. The Boats as they Emptied

were sent back for ye 2nd Disembarkation which I immediately made Brigd. Murray being detach'd with Anstruthers Battalion to attack the 4th Gun Battery upon ye left, was recall'd by ye General who now saw ye french army crossing ye River St. Charles General Wolf thereupon began to form his line having his Right cover'd by ye Louisbourg Grenadiers on the right of these again he afterwards brought Otways, to the left of the grenadiers were Braggs Kennedys, Lascelles, Highlanders & Anstruthers. The right of this Body was commanded by Brigadier Monckton & ye left by Brigr. Murray his rear & left was protected by Col. Howes Light Infantry who was return'd from the 4 Gun Battery before mentioned, which was soon abandon'd to him when he found four Guns. General Montcalm having collected ye whole of his force from the Beauport side & advancing upon Shew'd his Intention to flank our left where I was immediately ordered with General Amhersts Battalion which I form'd in potence. My numbers were soon after encreased by ye arrival of ye 2d Battalions of Royal Americans and Webbs was drawn up by ye General as a Reserve in eight Sub-divisions with large Intervals.

The Enemy lined the Bushes in their Front with 1500 Indians and Canadians & I dare say had placed most of their best marksmen there who kept up a very galling tho' irregular fire upon our own Line, who bore it with ye greatest patience and good order, reserving their fire for the main body now advancing, this fire of the Enemies was however check'd by our posts in our front which protected ye forming our own Line.

The right of ye Enemy was composed of half of ye Troops of ye Colony, the Batt'ns of La Sarre, Languedoc & ye remainder of their Canadians & Indians, Their Centre was a Column form'd by ye Battalions of Bearn & Guyenne, their left was composed of the remainder of the Troops of ye Colony and ye Battalion of Royal Rousillon. This was as near as I Guess their line of Battle.

They brought up 2 pieces of small artillery against us and we been able to bring up but one Gun, which being admirably well served gall'd their Column exceedingly. My attention to the left will not permit me to be very exact with regard to every Circumstance which pass'd in ye Centre, much less to ye right but it is most certain that the Enemy form'd in good order & that their attack was very brisk & animated on that side, our Troops reserved their fire till within 40 yards which was so well continued that ye Enemy everywhere Gave way. 'Twas then our General fell at the Head of Braggs & the Louisbourg Grenadiers advancing with their Bayonets, about Ye same time B. General Monckton received his wound at the head of Lascelles, in the front of ye opposite Battalions fell also Monsr. Montcalm & his second in Command since died of his wounds on board our fleet, part of Ye Enemy made a second feint attack, part took to some thick Copse wood & seemed to make a stand. It was at this moment that each Corps seem'd in a manner to exert itself with a view to its own peculiar Character, The Grenadiers, Baggs & Lascelles press'd on with their Bayonets, Brigadier Murray advancing ye Troops under his Command briskly compleated ye Route on this side when the Highlanders supported by Anstruthers took to their broad Swords & drove part into the Town, part to the works at their Bridge on the River St. Charles.

The Action on our left & Rear was not so severe The Houses into which ye Light Infantry were thrown were well defended being supported by Col. Howe who taking post with two Companies behind a small Copse & frequently sallying upon the flanks of ye Enemy during their attack drove them often into Heaps against ye Front of which Body I advanced Platoons of Amhersts's Regiment which totally prevented ye Right wing from Executing their first intention before this one of ye Royal American Battn had been detach'd to preserve our Communication with our Boats & the other being sent to occupy ye ground which General Murray's movement had left open. I remained with Amhersts to support this disposition to keep ye Enemies right & a Body of their Savages which waited still more towards our Rear opposite our Light Infantry Posts, waiting for an opportunity to fall upon our Rear.

This Sir was ye situation of Things when I was told in ye Action that I commanded I immediately repaired to the Centre & finding the pursuit had put part of ye Troops in disorder I formed them as soon as possible. Scarce was this effected when Monr. de Beueauville with his Corps from Cap rouge of 2000 men appeared

in our Rear I advanced 2 pieces of Artillery & two Battalions towards him upon which he retired. You will not, I flatter myself, blame me for not quitting such advantageous Ground, & risking ye fruit of so decisive a Day for His Majesty's affairs by seeking a fresh Enemy posted perhaps in ye very Kind of Ground he could wish, for, vidt Woods & Swamps. We took a great Number of French Officers upon ye Field of Battle, one piece of Cannon.

Their loss is computed to be about 1500 men which fell chiefly upon their Regulars. I have been employed from ye Day of Action to that of the Capitulation in redoubling our Camp beyond Insult, in making a road up ye precipice for our Cannon, in getting up the Artillery, preparing the Batteries & cutting off their Communication with their Country. The 17th at noon before we had any Battery erected or could have had any for 2 or 3 days a Flagg of Truce came out with proposals of Capitulation, which I sent back again to Town allowing them four Hours to Capitulate or no farther Treaty. The Admiral had at this time brought up his large ships as intending to attack the Town. The French Officer returned at night with Terms of Capitulation which with the Admiral were considered agreed to and signed at 8 in ye Morning of ye 18th instant.

The terms you find we granted will I flatter myself be approved of by his Majesty considering ye Enemy assembling in our Rear & what is far more formidable The very whet (*sic*) and cold season which threatened our Troops with sickness & the fleet with some accident. It had made our Road so bad we could not bring up a Gun for some time, add to this ye advantage of entering ye Town with the Walls in a Defensible state, and ye being able to put a Garrison there strong enough to prevent all Surprise. These I hope will be deem'd a sufficient consideration for granting them ye Terms I have ye Honour to propose to you. The Inhabitants of ye Country came into us fast, bringing in their Arms & taking ye Oaths and Fidelity until a General Peace determines their situation.

I herewith have ye Honour to enclose you a List of ye Killed & wounded. A List of ye Prisoners, as perfect as I have yet been able to get it. Another List of ye Artillery & Stores in the Town, as well as those fallen into our hands at Beauport in consequence of ye Victory.

By Deserters we learn that the Enemy is reassembling what Troops they can behind Cap Rouge that Monr. de Levy is come down from ye Montreal side to command them, some say has brought 2 Battns with him, if so, This blow has already assisted Mr. Amherst, by other Deserters we learn that Monsieur de Boucanville, with 80 men & provisions was on his march to fling Himself into ye Town ye 18th, the very morning it Capitulated, on which Day we had not completed, ye Investiture of the place as they had broke their Bridge of Boats & had Detachments in very strong works on ye other side ye River St. Charles.

I should be wanting in paying my due Respects to ye Admirals & ye naval service if I neglected this occasion of acknowledging how much we are indebted for our success to ye constant assistance and support received & the perfect Harmony & correspondence which has prevailed throughout all our operations in ye uncommon Difficulties which ye nature of this Country in particular presents to military Operations of a Great Extent, & which no Army can itself solely supply.

The immense Labour in the Artillery Stores & provisions, The long watchings & attendance in Boats, The drawing upon Artillery by ye Seamen, even in ye Heat of Action, It is my duty Short as my Command has beer, to acknowledge for that time how great a share ye Navy has had in this successful Campaign.

I have the Honour to be,

Sir,

with ye truest respect

your most obedient

humble servant,

GEO. TOWNSHEND.

CAMP BEFORE QUEBEC,
September ye 20th, 1759.

NOTE B.

LAND COMPANIES OF CANADA.

No. 1.—REPORT OF THE WARDEN OF THE FORESTS.

(Canadian Archives, Series Q., Vol. 352, p. 45.)

TO JOHN GALT, Esq.,

SIR,—Pursuant to your letter of instructions bearing date 25th of April last I beg to acquaint you that I have explored the Territory in the London District and have the honour to submit the following report:

This Tract is bounded to the Westward by Lake Huron and the District line, To the North by a boundary line dividing the purchased from the unpurchased lands of the Chippawa Indians which has not yet been run but which is laid down on the Map accompanying this report agreeably to the directions given from the Surveyor-General's office. On the East it is bounded by Clergy reserve lands and the Townships of Wilmot. On the south by the Townships of Blandford, Zorra, Nissouri and the purchased line.

The whole of this Tract is what in geology would be considered a recent formation, and could be supposed to have taken its origin from the subsiding of an enormous mass of waters which at no very distant period must have covered this part of the continent.

The formations are all of a secondary character. The base is soft limestone rock varying from the colour of coarse white marble to that of the blue limestone of the North of Ireland. It is all more or less interspersed with petrifications most of which are of a marine or at least aquatic character. In one instance I observed a very perfect specimen of the Shell worm of the Tropics, but as these were imbedded in petrified wood which of course might have floated from any distance; its appearance there, is less difficult to be accounted for than the Tropical productions which abound on the Isle of Sheppy in the Mouth of the Thames.

Over the limestone lies a stratum of bluish clay and over that stratum superstratum reddish clay and sand alternating with the blue clay in various proportions. All these strata lie perfectly parallel to the plane of the Horizon demonstrating that they must have been deposited by water; and so far as I have observed I have never seen a single instance of a perceptible dip in the strata, along the whole course of Lake Huron or any of the Rivers which empty themselves into it.

Over the clay there is generally a layer of fine sandy gravel sometimes of waterworn limestone mixed with the debris of limestone rock which in this Country is erroneously termed marl and on this at various depths though seldom less than eighteen inches lies the soil which is uniformly of the loamy character, rich and free to work. Sometimes this soil is what agriculturists term clayey loam, sometimes sandy but its capacity for supporting vegetation is uniformly great as it has been formed from the decay of leaves and other vegetable productions; these two most probably assisted by occasional fires running over the face of the Country, the ashes of which when lavigated by the rains would convey into the mass a body of alkaline salt which would give to the whole something analogous to the chemical properties of stable litter. The whole of the region lying between the Head of Lake Ontario and Lake Huron of which this forms a portion, is in the strictest sense of the word a Table land, for after ascending the height which forms almost the bank of the Lake on either side there is no hill deserving the name and no valley unless a ravine cut by a stream be entitled to that appellation.

On the banks of Lake Huron the height above the level ranges from one hundred and twenty to one hundred and fifty feet, and this uniformly by an abrupt bank.

The rise toward the interior may be fifty feet more, for many of the streams from a considerable distance back run rapidly to their mouths; though their beds are nearly on a level with the surrounding country. The only variation from this level consists in hillocks and ridges, the former of which are what in this country are denominated short hills; that is round regular hemispheres, having very much the artificial appearance of the Danish Barrowes or Tumuli at home and generally run in chafas. Were it fair or reasonable to indulge in Theory as to the mode of their formation I would say that it is probable that they were thrown up by the waves when a certain portion of water lay over the whole surface of the land in the same manner as sand bars are formed in Lakes and Seas. And in this conjecture I should be borne out by the fact that on the very summit of these large water worn stones are found, and found there exclusively, but, when it is considered that once formed the rain would wash away the soil and expose the stones below it this theory must stand a mere conjecture.

The ridges are now abrupt in their ascent and generally run north and south, they are of various breadths, from ten yards to one hundred, and are from a few furlongs to many miles in extent. The height of either hillock or ridge in no case exceeds fifty feet, so that if we say that the extreme highest land in the whole territory is little more than two hundred and fifty feet above the level of Lake Huron, we cannot be very far from the truth.

The summit level of the whole territory is in the large swamp, which as will be seen by a glance at the maps, occupies so much of its centre.

This swamp forms the reservoir of many of the principal branches of the large streams which water the great triangle of Upper Canada formed by the three Lakes.

From it are fed the north branch of the river Thames and a branch of the river which runs into Lake Huron at the distance of twelve miles below the mouth of the Nocton, or Menesetunk, as well as the south branch of the Nocton itself, and we have every reason to believe that it contributes greatly to the river with which is a principal branch of the Grand River.

When the time shall arrive, and I have no doubt that there are those now alive who will live to see that period, when it shall be deemed expedient to run a Canal from Huron to the lower Lakes this Swamp instead of being considered as it now is a blot on the surface of the earth will be looked upon as the most valuable part of the whole country.

From this summit level and into the branches emanating from it the various brooks and streams run like radii from a centre. The small brooks which do not arise from the large swamps have their origin generally from small Cedar Swamps or black ash Swales; sometimes, however, they arise from springs without the intervention of wet or swampy lands, and in all cases when once they begin to run they preclude the possibility of a swamp of any extent existing in their neighbourhood as from their beds lying as deep as the clay, and sometimes on the rock itself, they act as a natural drain to all the surrounding country. When the brooks fall into Lake Huron they do not in general gradually descend from source to mouth, but rather run comparatively on a level until they reach from a mile to half a mile from their debouchment when they begin to form a deep narrow ravine in the hard clay through which they pass rushing swiftly down an inclined plane, and in some instances forming a cascade over a ledge of limestone rock, which in all instances might be rendered available if not for Machinery on a large scale at least for Threshing Mills Chopping Mills, Farmer's churns, & other domestic Machinery of a Farm. Streams of this kind are so numerous throughout the tract that if judiciously laid out almost every farm in it may be furnished with a share of one and though it is to be expected that in the course of cultivation many of these will be greatly impaired or perhaps totally dried up yet from a great majority of them taking their origin in spring a sufficient supply will remain for all agricultural and domestic purposes.

So numerous indeed are those springs that in the space of thirty miles from the mouth of the River Nocton or Menesetunk to the portage of the river Aux Sable no less than eighty-seven streams of various magnitudes from the small brook to what in England would be termed a River enter the Lake.

The Nocton itself is the only one of the streams that I have yet met with which runs through what might be called a valley, the rich meadows on its banks, I shall come to speak of when considering the capabilities of soil for different kinds of produce.

In considering the timber and vegetable productions of this tract I shall first advert to that of the large swamp and its dependencies. As the whole of the rest of the land is so uniformly good that it can be described in a very few words, and an account of a very few acres of it are sufficient to give a perfect knowledge of the whole.

There are four distinct kinds of swampy land observable in the course of the proof line between the tenth and the 28th mile posts and these form an Epitome of every species of swamp I have seen in the country, these are the Cedar Swamp the spruce swamp, the black ash swale and the mixed swamp. The cedar swamp is by far the most difficult to traverse, it consists of the white cedar chiefly thickly planted and existing in every stage of growth and decay and lying at every angle within the semicircle. The soil of these swamps is rich and strong abounding in springs of the finest water & outlets which have been stopped by fallen timber and the soil being a dead level a kind of dam has been formed which has gradually expelled all the trees which could not subsist with their roots in the water and left the field clear for the cedar alone, above the strong vegetable loam there is generally a thin layer of peat moss sometimes of the black, solid compact kind and sometimes of the light spongy red, and this no doubt in time would increase until such a stratum of it should be formed as would render the soil incapable of vegetable production.

The process by which the cedar grows is so extraordinary and explains so completely the nature of the swamp that I think it is not out of place to advert to it here.

The trunk of a tree falls into a swamp and in process of time begins to decay, mosses form upon the bark and they in time decay also. In the kind of soil produced by this vegetable decomposition a seed is dropped which for the time at least finds soil enough for the small fibres of its roots but these not finding nourishment outside, and being unable to penetrate the heart of the log run down along the outer edge of the trunk and being supported from above are unable to push their way through the water and root themselves in the soil below the log which originally gave them support then crumbles from under them and they are left standing on their main roots as on the feet of a stool or as a man would rest with the points of his fingers on a table. The roots get crossed and interwoven with smaller fibres and the whole covered by a thick coat of green moss so that frequently you can pull away the moss from the root of a cedar and dip down an arms length into fine spring water. From this precarious hold they have of the earth they are much easier wind wove and drawn against each other than any other tree, and from this as well as from their low growing pointed branches arises the chief difficulty in getting through a swamp. This mode of growth is not peculiar to the cedar alone, but may be found in every other kind of tree occasionally in passing through the Forest and I am more particular in it as I have been much puzzled to account for its appearance in peat mosses in Scotland. The manner of draining and improving I have already given it so much in detail in my account of the Eastern and Ottawa Districts that I shall not again recur to the subject but only remark that these swamps having natural drains which only require to be cleared much labour and expense would be saved in the process.

Of the spruce swamp such as I am about to describe I have only seen one specimen and that is on the proof line commencing near the middle of the fourteenth mile and continuing on for near three quarters of a mile in breadth and it is supposed to be ten miles in length. It consists of that species of hard cold unpro-

ductive clay called "till" by Scotch farmers covered with a thin layer of wet low soil the whole surface is carpeted with strong soft green moss, the trees of which are small and stunted and far apart have their trunks covered with a different kind of moss their lower branches are entirely decayed and from their upper depend long white lichens resembling horse tails.

The soil seems barely sufficient to raise these trees during the earlier periods of their existence, though healthy when young they begin to show symptoms of decay as soon as they reach the height of ten or twelve feet, this land in my opinion is quite irreclaimable as draining and clearing would only render it a dusty plain.

Very different from this is the black ash swale, this is a swamp wet in the Spring and Autumn but tolerably dry and producing good grass at Mid summer. The soil of this is rich and there are runs into it through which the melting snow carries in decayed leaves and other vegetables and deposits them there until the water which accompanies them there is evaporated or slowly drained off it will easily be seen that in the process of time this will produce a deep bed of the strongest alluvium that can possibly be formed. Black ash swales have generally a mixture of soft maple in them and in more favourable spots are to be found the other trees of the surrounding Forest in greater or lesser proportions. This species of swamp needs little or no draining, cutting down the trees and exposing to the action of the sun and the air being generally enough to render it fit for the plough.

What I have denominated the mixed swamp consists of a mixture of cedar and black ash which sometimes occurs individually but more generally in groups. This swamp is of course more easily cleared with the hatchet than when it consists entirely of cedar and as it contains good soil is afterwards available for all the purposes of agriculture.

While on the subject of swamps it may be proper to mention the dry swamp *lux a non lucendo* for it is no swamp at all but cedar and swamp being so indissolubly associated in the brain of a Canadian that he is puzzled to account for the former without the presence of the latter, so when he finds cedar growing on dry land he immediately pronounces it to be a dry swamp, which incongruous appellation I doubt not he would apply to Mount Lebanon itself.

After getting clear of the swamps the timber on the other land is very easily described. The sugar Maple is the principal growth and the size and height which it as well as the other trees attain sufficiently evince the strength and power of the soil. Next to this comes the Beech, Elm and Bass wood in various proportions. In some instances the Beech and Elm predominate over the maple but this is rare. Near the Streams the Hemlock and interspersed through the whole is the Cherry, Butternut, the different species of oak and the Birch. Pine is very scarce. I have only seen a few detached trees and one group during my whole journey but I am told by the Chippawa Indians that there is a large tract of very fine pine on the right bank of the Nocton above the falls in rear of the groups which I observed in passing down the river.

Throughout the whole of this Country in a direction from North West to South East there appears to have been in former times a hurricane which has torn up the whole of the trees for a certain breadth within its scope. This produces what is called a windfall and its tract is marked by what is called cradle hills or nowles, that is small ridges and hollows alternately shaped very much like the graves in a Country Church Yard. These are formed partly from the decayed root but chiefly from the large quantity of Earth which it never fails to carry up along with it. In different parts of the Country smaller specimens of this phenomena are to be found; we met with them in every stage of creation and decay.

I have already adverted to the nature and fertility of the soil—and I think I may be justified in adding that out of the swamp such is the general excellence of the land that it is impossible (if ordinary care be taken to give each lot no more than its own share of any small swamp in its vicinity which will render it the more valuable.) to find two hundred acres of land in the whole territory which will make a bad farm.

Though the soil I have described may be capable of raising any kind of produce which is found in this country yet there are some soils which are more particularly advantageous for particular crops; for instance the black ash swamps make the best ground for hemp & the land will be improved for the cultivation of wheat by having its rank powers of production subdued by two or three successions of this scourging kind of crop, as it is found that in lands of this description if wheat be sown before the richness of the soil be corrected by hemp or flax it grows to such a length and vigour of straw that it is certain to be lodged long before it ripens.

The rich meadow by the rivers side more especially such as are annually overflowed are ready without further preparation for tobacco, hemp and flax. The lower meadows and beaver meadows, which are abundant, produce at this moment enormous quantities of natural hay and pasture and for the rest of the land for the production of potatoes, Indian corn wheat and other grain, if it is equalled it is certainly not excelled by any land in the Canadas.

I have already stated that permanent streams were numerous throughout the whole territory, it is unnecessary to add that there can be no deficiency in water power in any part of it.

By far the finest water is at the falls of the Nocton or Monesetunk, a mill here could hardly fail to do well as all the larger tributaries of the river flow in above the proposed situation the produce of at least seven townships must pass to Lake Huron either by the Mill or through it.

Besides the other streams already mentioned there are the large branches of the river Thames, of the twelve mile river below the Nocton, of the Grand river, and of the Nocton itself which arise from the swamp, ensure a supply of running water sufficient to answer all the exigencies of the country under any supposable circumstances.

Of the mineral productions of this Territory I can say but little, as anything of a thorough knowledge of the bowels of the Earth, must be attained by boring on purpose or watching excavations made for other purposes; the banks of the Lake and Rivers however I carefully examined and have uniformly found the same result (viz) limestone with alluvium over it. Sandstone as far as I have had an opportunity of observing there is none at least we never could procure a stone with grit enough in it to sharpen a hatchet. But we are not on this account deficient in building materials for the beds of the larger rivers and the Lake abound in species of hard limestone which comes off in layers from nine inches to a foot thick affording two perfectly smooth surfaces which a few blows with the pick hammer would convert into excellent stones for ashlar building and throughout the whole country there is abundance of clay to make bricks whenever they may be required besides these the only other minerals I have observed were the red grey and silver granite, sometimes angular and sometimes water worn which I have observed in every part of the Province from the river Delish to Lake Huron and for the presence of which I have never been able to contrive even a feasible conjecture as I am not aware that there exists a granite rock in the Province from which they could be detached; there are often masses sufficiently large to make a mill stone and sometimes which is infinitely more valuable to make two; for it is of great consequence in the grinding of grain that the upper and nether mill stones should be of the same texture, grit and hardness.

Since writing the above it has been suggested to me by the Honble William Dickson that these masses of angular stone may have been brought into their present situation embedded in ice and this explanation seems to me unobjectionable. At the same time the degree of cold must have been both intense and of long duration to produce this effect, as stone being a conductor of heat it works its way through ice even in the coldest weather. Capt'n Parry in his winter quarters at the Pole cleared his decks by throwing sand and gravel upon them and were the people of Montreal when the snow blocks up their narrow streets to shovel half as many carts of gravel on as they do snow off, they would come sooner to their purpose of making them accessible.

There is in Sullivan's journey a very interesting and well written essay on the moving of large masses of stone in the rivers in Canada.

The only break in the minerals which I have observed is at Kettle point where a vein of very fine slate runs into the Lake but this is most likely but of small extent as the formations on each side of it are exactly the same. Along the shore of the Lake and especially at the mouth of the Sable coarse jaspar, quartz, flint and coarse pebbles are found in the form of small water worn stones. I have been shown some specimens of Mica and of lead ore found within the purchase.

There are globular stones imbedded in the slate rock at Kettle point but of what nature I have had no opportunity of ascertaining. The deer licks and salt springs are numerous but any of them that I examined are too weak to hold out any rational hope of remuneration from working them and they are almost uniformly combined with iron, Sulphur, or carbonated hydrogen gas or perhaps with all three.

The presence or want of an easy communication with a new Country may be said to be what determines its value; in this respect the purchase is particularly fortunate as Lake Huron is navigable to Ships of any burden and vessels of two hundred tons burden can be and are carried down the River St. Claire to Lake Erie, Goderich Harbour at the mouth of the Nocton or Menesetunk is already capable of receiving vessels of as great a draft of water as generally navigate these Lakes having seven feet water over the bar & the channel might easily be deepened by running a line of piles with brushwood along the bar and thus deepening the passage by running the whole water of the river through it.

There are no other harbours on that side of Lake Huron but I have no doubt that harbours for small craft might be formed out of every stream of any size by simply draining its mouth and having a lock and floodgate for sweeping out passage through the bar on the same principle that the harbour of Broughtonness in Scotland or the large ditch dividing the works of Portsmouth and Portsea are cleared out while the force of the waves might be broke by a floating boom moored across the mouth of the channel.

Much has been said of the strength of the waves and the surf on this coast but I have seen no gale there and I have witnessed the heaviest that has blown for years where a vessel with good ground tackle could not ride out with safety. As the holding ground all along is excellent, being composed of stiff clay, it is to be recollected also that in Lake navigation vessels have only to contend with summer storms which though violent are seldom of long duration, so that a vessel would seldom need to wait two entire days for the cargo and with this advantage I look upon a farmer as near the market who resides within twenty miles of Lake Huron as one who lives at the far end of either of the Wilmot Blocks.

As to the value of the wild lands which are unsettled and have roads cut to them it is merely nominal but I am fully of opinion that if a good road was made and a few settlers were induced by low prices (say from a dollar to a dollar and a quarter p. acre) to settle themselves at Goderich or elsewhere so as to form a nucleus the land would soon fetch as good a price as the generality of the Company's land.

The value of Goderich is greatly enhanced by the fact that it is the only harbour on the whole of this side of Lake Huron a distance of at least one hundred and fifty miles and that it must become the deposit of the principal imports and exports of that great section of Territory.

One source of wealth and employment ought not to be overlooked. I allude to the Fisheries. Lake Huron abounds in excellent fish. The sturgeon, Salmon trout, river trout, black, white and rock Bass, Pickerel, Maccanongi, White fish, Catfish, Mullet, Sheaphead and Suckers are in immense numbers along the Lake in the mouth of the rivers.

The sandy beach affords every facility for drawing a seine and a single net would supply a whole settlement with fish all the year round at an expense not exceeding half a dollar per week. This is an advantage of no ordinary nature in a new settlement.

Finally I have to state that my report of the excellence of the land does not rest on my own opinion alone but is concurred in by Col. Burwell, Mr. McDonald, Mr. Sproat, Mr. Springer and in fact by all the men by whom I was accompanied.

Indeed the thing is so clear that there can exist no two opinions on the subject. I submit also that the information gained by this expedition is of the highest consequence to the interest of the company. As had the land been settled without inspection the most natural form to have chosen would have been a square of forty miles which must manifestly have included within its bounds the whole of the great swamps, a part of which it might be for the benefit of the company hereafter to drain and improve provided they were to get it as a grant but which would not turn out a very profitable speculation were it to be bought and paid for as good land. And had the Company ever made this choice it is possible that the Local Government notwithstanding every good wish which they possess and no doubt with sincerity for the interest of the company might have felt that they had an imperious though painful duty to perform in holding the Company to its original agreement.

As it turns out I fear it will be quite impossible for the Company to select its lands in the required form of a regular mathematical figure at least if I understand what the Government means by that term.

On the whole I am fully of opinion that there is every reason to be satisfied with the land the Company is to receive in lieu of the Clergy reserves not only from its own intrinsic worth but from the circumstances that every lot of it can be settled with ease and expedition as it is unfettered & unincumbered by Provincial provisions and protections.

Extract from the Report of the Warden of the Forests in 1828.

The road which was the principal undertaking is now finished as well as can be done until the sides of it are settled. It will cost more money tho' (from the accounts not being made up) I cannot say how much more than the sum at which the work was estimated, this arises from several causes which at the time the estimate was made could not possibly have been foreseen nor indeed had they been foreseen they could not have been prevented these were chiefly the following:

1st. From being given to understand that a large body of Emigrants under the auspices of the Company might be expected out by the 1st of July, it was essential that there should be a practicable if not a good road to communicate with them and supply their wants and therefore the first line was hurriedly and consequently insufficiently executed; so that in improving this line much that had been only half done had to be done over again. Thus for example stumps had to be cut down or grubbed out which would cost just the same trouble as if that operation had been performed on an uncut tree. Morasses which had been made passable for the time by throwing brush and temporary causeways had to be regularly bridged an operation that was not at all forwarded by what had been done and in many places from the more minute inspection that was obtained from the people residing for days on the same spot, new and more eligible, tho' more circuitous lines of road were discovered.

2nd. In the original estimate the five Bridges were not contemplated, it was supposed that the Rivers from the state we had seen them on the previous summer would always be fordable, till dear bought experience taught me the contrary.

3rd. The summer of 1828 was unprecedentedly unfavourable for out door occupations. During the months of June, July and the first half of August the rains fell so incessantly that I think I am well within the mark when I say that on an average taking advantage of every fair moment there was not three days work obtained in each week and when you take men into the woods you must pay and feed them just the same whether the weather permits them to work or not thus producing half work and double wages.

4th. The inclemency of the season produced disease to an extent that the oldest inhabitant of the province never remembered anything equal to, and tho' both at Guelph and the Huron road we were lucky enough from our elevated situation to escape, the malignant remitting fever that was so fatal in the Districts bordering on the Lower Lakes, yet ague and milder fevers frequently terminating in dysenteric complaints were exceedingly common and this evil was greatly aggravated by the

total want of medical assistance. One Medical man at least would have had his time fully occupied in attending the sick and I can only say for my own part that during the Summer and Autumn of last year for every hour that I could attend to the business of the Company two were dedicated to attending on the sick and I certainly conceive that the Company could procure for its settlers as good Medical advice as I can bestow (though I don't mean to insinuate that I am not a very Skilful Surgeon) at something less than two thirds of my pay and allowances and so my business has always occupied all my time, it is evident that every moment devoted to medicine is deducted from the Company.

It gives to me the greatest pleasure to add in conclusion that the favourable opinion which I had the satisfaction to give last year of the Huron Territory is confirmed by everything that I have been able to learn during the last eighteen months, the land has been traversed in every direction between the Maitland and the line of the London District and the uniform result has gone to prove that for all the purposes of cultivation for salubrity of character for water for Machinery and for domestic purposes in short for everything that can render a new Country desirable to settlers it is at least as good as any in Canada or the neighbouring parts of the American Continent. The reports are not chiefly drawn from Surveyors and others employed by the Company who from that interest that everybody takes in what belongs to their employers might be expected to represent matters as favourably as truth would permit, but from practical farmers and Mechanics who inspected the land with the intention of settling and would naturally depreciate that which they wished to purchase. I have little to add with regard to minerals. Additional saline and sulphureous springs have been discovered. Iron has also been discovered in the shape of sand as well as in chalybeate waters and in various combinations with sulphur, but whether in sufficient quantity to work or not, I have not had time as yet to ascertain. A mineralogical survey of the whole tract has long been a favourite project of mine and it is too obviously necessary to require comment, but the press of more urgent business has hitherto prevented it being entered into and when it does take place I have only to request that it may be instituted under my own immediate and personal superintendence and I here would beg to impress upon you the propriety of requesting the Court when they do send out Medical men to let them be good naturalists and mineralogists and to make it a part of their agreement that they assist me in such enquiries; by this means alone the Company will be amply compensated for any expense such Gentlemen may cause them.

I have the honour to be Sir,

Your most obedient humble servant,

WM. DUNLOP,
Warden of the Forest.

NOTE B.—No. 2.—LORD DALHOUSIE TO MR. WILMOT HORTON.

(Archives, series Q. Vol. 172-1, page 142.)

LONDON, May 23, 1825.

MY DEAR SIR,—That there may be no mistake in consequence of my absence from town, I beg leave to inform you that a Deputation of several Gentlemen with Mr. Alderman Thomson called upon me two days ago to ask whether or not I could approve the formation of a Company to affect Lower Canada lands in a way similar to that now proposed in the Upper Province. The opinion I expressed is this that I approve the principle of the measure as likely to be useful both to the Country & to H. M. Gov't. in settling the Waste Lands but that there existed various difficulties which must be removed before H. M. Gov't. can perform the conditions of such agreement as has been proposed that Gaspé is

more free than any other part of the Canadas from these difficulties and that there is ample space to make the experiment in that District.

I have thought it my duty to say this much in case any proposal may follow upon the visit with which I was honoured by these Gentlemen,

I have the honour to be, my dear sir,
your's most faithfully,

R. W. HORTON, Esq.,
&c., &c., &c.

DALHOUSIE.

NOTE B.—No. 3.—MEMORIAL TO LORD BATHURST.

(Archives, series Q. Vol. 173-2, p. 329.)

To the Right Honourable

EARL BATHURST, K. G.,
His Majesty's Principal Secretary of State
for the Colonies, &c., &c., &c.

MR LORD,—We the undersigned Merchants, Bankers &c. have taken into consideration the formation of a Joint Stock Company, to be called the Lower Canada Company, for the purpose of purchasing ungranted Lands belonging to the Crown in the surveyed Townships of Lower Canada, not only those which are commonly denominated Crown and Clergy Reserves, but also such others as still remain at the disposal of His Majesty's Government, upon similar principles and with views similar to those of the Upper Canada Company and we conceive that such a measure will be of essential national benefit both in a political and a Commercial point of view.

1st. By opening to a redundant population a more easy and advantageous channel of Emigration than any that has yet been offered whereby His Majesty's Government would be relieved from very considerable expense, whilst the Emigrants would enjoy superior advantages from the Experience of the Company's Agents, from the liberal use of Capital, and from an ample choice of location near the Chief Markets of a long settled and highly flourishing Colony.

2nd. By attracting to the Province of Lower Canada much additional population and Capital, tending materially to increase its importance and security, rendering its resources permanently adequate to the expence of its administration promoting the cultivation and export of such articles as might be servicable to the Mother Country, such as hemp, flax and lumber, for the supply of which she is now in a great measure dependent upon Foreign States, creating a corresponding demand for her production and Manufactures, augmenting its Physical Strength and by an efficient Militia diminishing the necessity of providing so large a Military force for the protection of the Colony.

3rd. By locating and settling Emigrants and others along the Province of Lower Canada between Quebec and Montreal, among and around the lands of French Canadians, contributing to eradicate prejudices, to facilitate the progress of improvements and to impart to every class of the Community that spirit of Enterprise and activity which characterizes the English Settler in every quarter of the world.

4th. By the same means to extend the use of the English language, to disseminate English Customs, and to create a fondness for the principles of her Constitution and a desire for her Laws.

5th. By this approximation in all essential points, to pave the way for that great & salutary measure, the Union of the two Provinces, whereby the Canadas would become an integral portion of the British Empire.

6th. By producing a change in the face of the Country through the disposal of the unoccupied lands, removing all source of discontent and convincing the inhabitants of Lower Canada that His Majesty's Government is ever ready to extend to them any advantages possessed by the Sister province, which are not inconsistent with the interests of the parent state.

7th. By offering a safer and more advantageous investment of British Capital than foreign loans or the formation of foreign settlements.

We therefore respectfully submit.

1st. That the undersigned on behalf of the Lower Canada Company will contract for the purchase of ungranted lands belonging to the Crown in the Surveyed Townships of Lower Canada (not only those which are usually denominated Crown & Clergy Reserves, but also such others as still remain at the disposal of His Majesty's Government), at the ready Money Market price of uncleared, and waste lands in the province previous to the first day of March 1824, when the design of forming a Company for Upper Canada could not be known in the Province.

2nd. That the Undersigned on behalf of the Lower Canada Company will take lands as aforesaid, to the amount of _____ annually for _____ years.

3rd. That the undersigned on behalf of the Lower Canada Company will engage to raise a Capital of one Million Sterling subject to encrease by Shares or otherwise, if considered expedient by the Directors.

Provided.

1st. That the Lower Canada Company should have the liberty in any of the years during the said period of _____ years to take a larger quantity of such lands if they should think it proper so to do.

Provided also

2ndly. That the allotments of such lands shall commence at such places as the Lower Canada Company shall consider most applicable for the Speedy Settlement and location of Emigrants.

Provided also

3rdly. That the lands so purchased shall be surveyed at the Expence of His Majesty's Government and that the successive Grants shall be made to the Company gratuitously without any fee of Office, demand or duty, being due, or payable to any public Officer in the province for preparing, expediting, sealing, or issuing the same.

Provided also

4thly. That the Lower Canada Company shall be the only purchasers of such lands, during such period, and shall have a right to all Minerals on, or under the land so purchased by them with the privilege of working the same.

Provided also

5thly. That the Lower Canada Company be allowed to purchase whatever lands may be offered to them by individuals &c in any part of His Majesty's dominions to hold and dispose of the same.

Provided also

6thly. That the Lower Canada Company make Roads, build Bridges, cut Canals and make all and every improvement on the lands, belonging to the Company.

Provided also

7thly. That the Government will neither settle nor grant lands in Lower Canada during the said period of _____ years.

Provided also

8thly. That the Lower Canada Company shall have the refusal (at the expiration of the said period of _____ years) of the remaining Waste lands of the Crown in Lower Canada.

Provided also

9thly. That a Royal Charter be granted to the Lower Canada Company and the influence of His Majesty's Government be used, in obtaining An Act of Parliament to incorporate the Company.

Provided also

10thly. That four Commissioners be appointed, two by His Majesty's Government, and two by the Company, for the purpose of making all necessary arrange-

ments, and appointments for allotting the said Lands and ascertaining the price aforesaid previous to the first day of March 1824.

Provided lastly

That all rights & privileges not herein Specially alluded to, but what it is proposed to grant to the Company, calling itself the Canada Company (in as far as the same are applicable to the circumstances of the Lower Province) shall be secured to the Lower Canada Company.

LONDON, 23rd May, 1825.
37 Old Broad Street.

C. DALRYMPLE,
Secretary.

Andw. Belcher, British North America, Merchant.
Robt. Gillespie, Canada Merchant.
George H. Markland, Executive & Legislative Councillor of Upper Canada.
Hugh Gray, Canada Merchant.
A. Stewart, West India & Canada Merchant.
D. Bevan, Banker.
P. M. Stewart, West India Merchant.
George Hathway, Wine Merchant.
Wm. Thompson, M.P., Iron Merchant.
Tho. Murdoch, Madeira Merchant.
Simon Taylor, West India Merchant.

NOTE B.—No. 4.—MR. J. STEPHEN TO MR. WILMOT HORTON.

(Archives, Series Q, Vol. 173-1, p. 107.)

WHITEHALL, October 27th, 1825.

SIR,—In compliance with your directions I have prepared and have the honour to transmit to you a Draft of the correspondence which, as I collect from the Papers transmitted to me, is intended to take place between the Colonial Department and Mr. Felton on the subject of the proposed Lower Canada Company.

I have the honour to be, sir,

Your most Obedient humble Servant,

R. WILMOT HORTON, Esq.,
&c., &c., &c.

JAS. STEPHEN, Junr.

NOTE B.—No. 5.—FIRST ENCLOSURE IN PRECEDING LETTER.

(Archives, Series Q, Vol. 173-1 p. 108.)

Draft of a Letter to be addressed to Lord Bathurst by Mr. Felton.

MY LORD,—In the commencement of the present year several persons resident in the province of Lower Canada, associated themselves together for the purpose of forming a Company and raising a Joint Stock to be employed in the purchase and improvement of Waste Lands in the Province, and for the further purposes of opening and forming Roads and Canals, erecting Bridges, accomplishing other public works and generally of carrying into effect any permanent local improvements for which the sanction of the Provincial Legislature might from time to time be obtained.

After a full consideration of the difficulties, advantages and probable results of this measure, it appeared to the persons in question that if the sanction of His

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Majesty's Government could be obtained the formation of such a Company with an adequate Capital would be productive of very great benefit to the Province at large, and would probably afford a reasonable and sufficient return of profit upon the Money which might be invested in the undertaking. A very considerable sum was accordingly subscribed by persons who have their fixed place of abode in Lower Canada; and it was agreed that one of the Subscribers should proceed to England to lay before Your Lordship a full explanation of the plan and to solicit Your Lordship's approbation of it; and it was further resolved that if there should be sufficient ground to anticipate Your Lordships sanction of the Measure in General application should then be made to Merchants and others resident in England and connected with the Province to subscribe such further sums as were requisite for the full accomplishment of these designs.

I had the honour to be selected as the person by whom this negociation with your Lordship was to be conducted on behalf of the Subscribers to the proposed Company, and it was considered that the situation which I have the honour to hold as a Member of the Legislative Council might be regarded by Your Lordship as some pledge for the general respectability of the parties concerned in this undertaking and for its probable tendency to advance the real interests of the Province.

I accordingly proceeded to England in the execution of this Mission and having been honoured by Your Lordship, and Your Under Secretary, Mr. W. Horton, with several interviews on this subject and having thus ascertained that Your Lordship was in general disposed to entertain and approve the proposals which I had the honour to bring under Your notice I proceeded to lay the plan before several persons connected with Lower Canada but resident in England.

The scheme which had been formed by the subscribers in the Province was approved and adopted by those persons and on the second of September last a Meeting was held in the City of London when fourteen Gentlemen were appointed to form a Committee of correspondence for conducting such further negotiations as it might be necessary to enter into.

At a subsequent Meeting of the same body held in the City of London on the 5th of September various resolutions were adopted and in obedience to the directions of that meeting, I have now the honour to lay before Your Lordship a Copy of these resolutions. For Your Lordship's further information I have the honour to subjoin a List of the principal subscribers to this Undertaking resident in this Country.

From the personal communications with which I have been honoured I am encouraged to hope that Your Lordship will sanction the General principles explained in the Enclosed Resolutions, although I am aware that you will probably require that in some points they should undergo considerable modifications.

At the present advanced period of the year it would be highly convenient to the persons who have embarked in the undertaking, if Your Lordship would have the goodness to signify the decision you may have adopted on the subject in order that if it should be favourable to their wishes the necessary measures might be taken in the ensuing Spring for carrying the design into Execution.

I have therefore the honour to request that Your Lordship would communicate to me for the information of the Subscribers to this undertaking in England and in the Province of Lower Canada, whether your Lordship is prepared to sanction the measure itself and what are the conditions upon which your approbation of it will be given.

I have the honour to be,

Your Lordship's most obedient humble servant,

EARL BATHURST, &c., &c., &c.

NOTE B.—No. 6.—SECOND ENCLOSURE WITH STATEMENT OF THE CROWN AND CLERGY, RESERVES IN THE TOWNSHIPS.

(Archives, Series Q., Vol. 173-1, p. 114.)

Draft of the Answer to be sent by Lord Bathurst to the preceding Letter.

1. SIR,—I have had the honour of receiving your letter of the instant explaining the measures which have been taken in the Province of Lower Canada and in this Country for the formation of a Joint Stock Company with a Capital to be employed in the purchase and improvement of Waste Lands and in effecting other permanent improvements in that Province, and enclosing a Copy of the resolutions adopted upon this subject by the Gentlemen who have associated themselves together in the City of London for the furtherance of this undertaking and requesting to be informed whether I am prepared to sanction the measure itself, and what are the conditions upon which my approbation of it will be given.

2. I am therefore to inform you that I am in general prepared on behalf of His Majesty's Government to assent to the proposal which you have laid before me; but in order to prevent any misapprehension of my meaning, I shall proceed to explain for the information of yourself and the Gentlemen for whom you act, the views which I have taken of this subject and the measures which I am ready to advise His Majesty to adopt in reference to it.

3rd. Upon receiving satisfactory proof that the necessary Capital for the accomplishment of this undertaking has been subscribed by persons of undoubted solvency.

I am ready to adopt the measures which will be necessary on my part for obtaining for the subscribers a Charter of Incorporation to be issued under the Great Seal of the United Kingdom. You will however most distinctly understand that notwithstanding the present communication His Majesty's Government will remain at perfect liberty to withhold the Charter altogether or to modify at their pleasure any of its provisions, if the Privy Council, or the Lord Chancellor, as Keeper of the Great Seal, should in the exercise of their Constitutional authority on such subjects, see fit to offer to his Majesty their advice to that effect.

I abstain from entering upon any explanation of the various powers and restrictions which the Charter if ultimately granted would contain, reserving for a future occasion the discussion of those details and confining myself to the observation that the Charter would probably be modelled upon the most recent precedents of Instruments of a similar nature.

4th. I shall further be ready to introduce into Parliament in the approaching Session a Bill containing all such provisions as may be necessary for carrying into effect the arrangement explained in my present Letter and I will on that occasion propose to Parliament to grant to the Company any such special powers as may be necessary for the effectual execution of their undertaking but which it may not be in the power of the King in the exercise of his Royal Prerogative to confer.

5th. The Original Capital of the Company will be fixed at one Million Sterling with a power of making any such addition as His Majesty with the advice of his Privy Council upon the petition of the Company itself may at any future time be pleased to sanction.

6th. The object of the incorporation would be declared to be, first to cultivate, clear, improve and settle such lands as the Company might acquire within the Province of Lower Canada by Grant or purchase from the Crown, secondly to open and construct any roads, Canals, Bridges and other internal communications between the various parts of Lower Canada and further to contract for and accomplish any public works which may be undertaken within the Province by the direction or under the sanction of His Majesty's Government; thirdly, to contract for any loans of money which may be raised on the security or under the authority of any Acts of the Province assented to by His Majesty or on his behalf. All dealings in the nature of banking and generally all operations of Trade will be expressly prohibited. The

Prohibition however will not extend to transactions unavoidably undertaken for the purpose of supplying articles necessary for the improvement and cultivation of the Company's lands or for the purpose of realizing and transmitting to Europe the Produce or Rents of their Property in the Province.

7th. The Company will be authorized to employ its Capital in removing settlers from Europe or elsewhere to their lands in the Province or in advancing Money by way of loan to any such Settlers to enable them to clear or improve the lands upon which they may be placed.

8th. I understand that those parts of the districts of Montreal and Three Rivers which lie to the Southward of the River St. Lawrence contain 64 Townships—of these I understand that fifty seven have been surveyed and laid out. In each of these fifty seven Townships lands have been reserved to the use of the Clergy and the Crown. But in the Townships named Grantham, Wickam and Ascot no reserves have been retained by the Crown.

The following Table as far as I have the means of information contains the accurate statement of the Crown and Clergy reserves in the fifty seven Townships in question.

STATEMENT

exhibiting the approximate Amount of Crown and Clergy Reserves.

In the Townships in the Districts of Montreal and Three Rivers, South of the River St. Lawrence.

	Clergy.	Crown.
Upton.....	4,800	4,800
Grantham.....	10,000	.....
Wickham.....	9,200	.....
Acton.....	4,502	4,000
Durham.....	6,030	6,030
Melbourne.....	6,000	6,000
Ely.....	5,000	5,000
Clifton.....	8,000	8,000
Auckland.....	4,400	4,400
Stanstead.....	10,000	10,000
Banevion.....	8,800	8,800
Barnston.....	2,400	2,400
Hereford.....	4,400	4,400
Maddington.....	2,000	2,000
Roxton.....	7,000	7,000
Milton.....	6,000	6,000
Brompton.....	8,000	8,000
Oxford.....	2,400	2,400
Stukely.....	8,000	8,000
Shefford.....	14,800	14,800
Granby.....	7,000	7,000
Bolton.....	11,800	11,800
Brome.....	8,000	8,000
Farnham.....	7,000	7,000
Potton.....	8,000	8,000
Sutton.....	8,000	8,000
Dunham.....	8,000	8,000
Stanbridge.....	7,800	7,800
Windover.....	3,000	3,000
Simpson.....	8,800	8,800
Kinsey.....	6,900	6,900
Shipton.....	11,000	11,000
Windsor.....	10,200	10,000

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	Clergy.	Crown.
Stoke.....	8,400	8,400
Ascot.....	7,600
Eaton.....	7,000	7,000
Newport.....	7,000	7,000
Hatley.....	7,800	7,800
Compton.....	7,000	7,000
Blandford.....	7,000	7,700
Bulstrode.....	4,570	4,570
Stanford.....	5,000	5,000
Warwick.....	4,400	4,400
Arthabaska.....	2,000	2,000
Tingwick.....	9,000	9,000
Chester.....	7,000	7,000
Halifax.....	7,600	7,600
Ham.....	4,500	4,500
Wolfestown.....	7,400	7,400
Dudswell.....	6,000	6,000
Weadon.....	4,800	4,800
Westbury.....	2,400	2,400
Bury.....	2,200	2,200
Lingwick.....	3,000	3,000
Hinchinbrook.....	1,080	1,080
Godmanchester.....	3,000	3,000
Hemmingford.....	7,000	7,000

9th. As soon as the Charter of Incorporation has actually passed the Great Seal, I shall be ready to advise His Majesty to grant to the Company the whole of the Crown Reserves contained in the 57 Townships enumerated in the preceding Table and such a portion of the Clergy reserves as will be subsequently explained, such Lands to be held by the Company in fee Simple in free and common Socage tenure.

This part will be made subject to the several terms and conditions which I shall proceed to explain.

10th. The fifty seven Townships enumerated in the preceding Paragraph No 8 have been laid out by the public Surveyors under the authority of His Majesty's Government in Lots of 200 Acres each. In pursuance of the Statute 31st Geo 3d Cap 31, one seventh of the land comprized in these Townships had been reserved for the maintenance of a Protestant Clergy—These Lands are called the Clergy Reserves—One other seventh part of the lands included in these Townships had been reserved by His Majesty for public purposes and are known by the name of the Crown Reserves—some parts of the Crown Reserves have been granted away in fee simple—Some parts both of the Crown and Clergy Reserves have been demised for terms of years and other parts have been occupied either with the written licence of the Colonial Government, of the Corporation for managing the Clergy Estates, or on the faith of verbal promises made by that Government or by that Corporation that the occupants should receive either grants or leases of the lands in their occupation.

There are again other parts of these Lands which without any legal conveyance or even any actual promise or licence, have been appropriated to purposes of a public nature or for the convenience and advantage of the Clergy of the Province. Other portions of them which have not hitherto been actually so appropriated, are yet from their peculiar local advantages, or from other circumstances, so situated that the occupation of them may be peculiarly convenient or necessary for the public service within the province, or for the erection of Church School-houses or Parsonage-houses with small adjoining pieces of Land, to be used as Burying Grounds, Yards or Gardens—Finally there are within the Crown and Clergy Reserves of the 57 enumerated Townships various parcels of land which have been occupied for 10 years and upwards by persons who have resided upon them not only without any Grant but without any pretence of legal Title And who in America are usually designated by the appellation of "squatters" but who notwithstanding have not

been disturbed in that occupation. When the Company shall have been actually incorporated I shall advise His Majesty to convey to them, but upon the conditions explained in the present communication, the whole of the Crown Reserves and one third of the Clergy Reserves which have been actually laid out in the 57 Townships above enumerated; it being understood that the several portions of the Crown and Clergy Reserves which as before mentioned have been Granted, or demised on Lease or occupied on the licence or promise of the Government or of the before mentioned Corporation for managing the Clergy Estates, or which have been appropriated to public or clerical purposes, or occupied without disturbance for 10 years, or which may be peculiarly convenient or necessary either for the public service or for the ecclesiastical objects already mentioned, are to be wholly excepted; so that there will be conveyed to the Company one third of that part only of the Clergy reserves, which will remain after deducting these excepted Lands from the entire quantity originally reserved, and the whole of the Crown reserves which will remain after making the corresponding deduction of the excepted lands from them.

11th. In order that the exceptions mentioned in the preceding Paragraph may not operate more extensively than is at present contemplated, I will immediately instruct His Excellency the Governor of the Province to adopt all necessary measures for preventing any new Lease or Grants being made, or Licenses of occupation given of any part either of the Crown or Clergy Reserves. But as until a Charter of Incorporation shall be granted the Corporation for the management of the Clergy Estates will in point of law, be invested with the power of granting leases to those lands His Majesty's Government is not to be considered as responsible to the Company if any intermediate Leases shall actually be granted of the Clergy Reserves, a contingency however which it may be presumed is highly improbable. To obviate any danger of misconception upon so important a subject, it is to be most distinctly understood, that the present arrangement is not in any degree whatever to affect the right of the Clergy of the Province or of the Corporation established for the management of the Clergy Estates, or of the King as head of the Church in Canada, to manage, cultivate and settle that portion of the Clergy Reserves which is not to be conveyed to the Company, but that when the portion of the Clergy Reserves which is still to be reserved to the Clergy shall be ascertained and set apart, every restriction upon the Corporation in respect of granting Leases, or otherwise relating to the management of such portion of the Clergy reserves (so far as such restrictions originate in the present arrangement) shall be at an end.

12th. It is to be understood that the exception made in the preceding Paragraph No. 9 in favour of the persons usually termed "Squatters" who have occupied their lands without disturbance for 10 years, is not to be construed as to give to any such person a right to the whole of the Lot in which he may so have fixed himself.

The indulgence is limited to the particular pieces of land which such persons may have actually cleared, enclosed or brought into cultivation, and to the buildings erected thereupon.

13th. In order to ascertain which is that third part of the Clergy Reserves in the 57 Enumerated Townships which is to be granted to the proposed Company the Commissioners will cause an exact transcript to be made of the public or Government Charts of each Township, in order that on such transcript they may mark the Lots which are to be granted to the Company, and the Lots which are still to be retained for the maintenance of a Protestant Clergy. For this purpose after marking the various Lots in the transcript of the Chart of each Township, falling within any of the exception enumerated in the preceding Paragraph No. 8 with the word "excepted," the Commissioners will upon the same transcript of the public Chart affix a numerical mark upon each of the remaining Lots of the Clergy reserves proceeding in order from No. 1 to the highest number corresponding with the number of Lots thus to be divided. The Commissioners marks will be made in *Red Ink*, to distinguish them from the numerical marks of the Government Officers. Those Lots of Clergy reserves which shall thus appear upon the transcript of the Government Chart bearing in *Red Ink* the Nos. 3, 6, 9, 12, 15, &c., shall be those to be granted to the Company. Those other Lots of the Clergy reserves which shall

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then appear upon the same transcript, bearing in Red Ink the intermediate numbers 1, 2, 4, 5, 7, 8, 10, 11, 13, 14, &c., will be retained for the support of the Protestant Clergy.

14th. Any lands which in pursuance of this arrangement may be granted to the Company or which the Company may grant or demise or lease to any person or persons shall be resumed by His Majesty in case the same shall be required for Canals, Roads, the erection of Forts, Hospitals, Arsenals, or any other purpose connected with the security or defence of the province, such requisition to be made either by an Act of the Provincial Legislature or by the Executive Government of the province and in any such event one Arbitrator shall be named by His Majesty and another Arbitrator by the Company or their Grantees or Lessees as the case may be who shall concur in choosing a third, and the price to be paid to the Company or their Grantees or Lessees for any land so resumed, shall be decided by the Majority in number of such three Arbitrators.

15th. The Lands then to be granted to the Company will be held by them subject to a perpetual annual quit rent payable half yearly—the first half yearly payment will become due at the end of six Calendar Months to commence and be computed from the expiration of a term of five years next after the date of the Charter of incorporation.

To ascertain the Amount of this Annual quit rent the following process will be observed.

16. Three Commissioners will be appointed, one by His Majesty's Government, another by the Lord Bishop of Quebec, and the third by the proposed Company, who will be required to ascertain and report to His Majesty their opinions as to the value of the lands thus to be purchased by the Company. In resolving that question they will confine themselves to the following enquiry, videlicet;

"What is that Sum of Money which a Corporation erected for the purpose of cultivating, clearing improving and settling the waste lands particularly described in the preceding Paragraphs of this letter, could afford to pay for the purchase of such lands in fee simple, to be held in free and common Socage, exempt from all quit rents and other burdens, so as to secure to the Company, on the one hand, by such award the probability of a fair and adequate return of profits on their Capital, without in any degree compromising, on the other, the interests of the Crown or of the Clergy by the alienation of their Lands in consideration of the payment of such a Sum."

17. The Commissioners will not fail in their calculation of the value of these lands as directed in the preceding Paragraph No. 16 to take into their consideration all the terms of the arrangement especially the suspension of payment both of principal and interest on the part of the Company, for the term of 5 years.

17 (a). For the guidance of the Commissioners in the performance of this duty they would receive a Commission under the Public Seal of the Province with Instructions from this Department.

I reserve for further discussion all questions relating to the form and provisions of those instruments.

18. So soon as the report of the Commissioners upon the question so to be referred to them is received, I shall be prepared to settle definitely with the Company what shall be the amount of the annual quit rent to be charged upon the lands. It will be calculated at five pounds per cent per annum upon the sum which may be fixed as the proper price to be paid by them for the lands in question. In fixing that price regard will of course be had to the report of the Commissioners but it is to be most distinctly understood that neither His Majesty's Government nor the Company are to be bound by that Report. In the negotiation which must follow the arrival of the Report in this Country with a view to settle the amount of the annual quit rent it will be competent either to His Majesty's Government or to the Company to dissent from the conclusion of the Commissioners and to decline to be governed by it.

19. The Commissioner to be appointed by the Crown will be considered as the Chief Commissioner and in that capacity will act as Chairman at all meetings held

under the Commission. The Crown will provide for the payment of the Commissioners appointed by itself and by the Lord Bishop of Quebec. The Company will pay the expenses of the Commr appointed by them. The joint expenditure of the Commission at large will be provided for in the same proportion.

20. The quit Rent when finally ascertained will be redeemable by the Company at any period of time by the payment to such civil or military officer as His Majesty shall appoint for the purpose of a sum equal to twenty times the amount of the Rent so to be redeemed, the Company giving six Calendar Months' notice of their intention to make such a payment.

21. During the first five years immediately following the date of the Charter of incorporation the Company will not be at liberty to sell or alienate any part of their lands except with the special licence in writing of the Governor in Council; during the same period of five years they will expend the sum of £100,000 at the least in accomplishing the objects with a view to which they are to be incorporated; and of that sum £50,000 at the least will be laid out in clearing, draining, cultivating or improving the lands so to be granted to them or in the erection of buildings upon such lands or in the making fences or placing live or dead Stock thereon or in the building of Churches, Schoolhouses or Mills, or in the formation of Roads, Bridges, Canals or other internal communications passing through the lands so to be granted to them or some part of such lands. If at the expiration of five years next after the date of the Charter the Company shall not have laid before the Governor in Council satisfactory proof that they have thus expended the before mentioned Sum of £100,000 then an additional quit rent shall become chargeable upon their lands amounting to five pounds per cent per annum upon so much of the £100,000 as they shall not have proved themselves to have expended, this additional quit rent would be extinguished by the Company producing to the Governor in Council proof of an expenditure for any of the several purposes before mentioned of a Sum of money equal to twenty times the amount of such additional quit rent.

22. The grant of Land to the Company will be made gratuitously, that is to say without the payment of any fee of office.

23. The Company will not be permitted to acquire by purchase from private persons any lands in the province excepting that for the more convenient occupation of the Lands to be granted by the Crown, they will be permitted to purchase any number of acres not exceeding 2000 acres in the whole in any one year and excepting that it will be competent to them to acquire in this manner any greater quantity of land for which the previous licence of the Governor in Council or the Secretary of State may first be given.

24. The Company will be required once in every two years to lay before the Governor in Council and before the Secretary of State a Statement under their Common Seal of all their operations during the two years next preceding the date of every such statement exhibiting the number of Lots settled in each of the 57 Townships enumerated in the preceding table and the adult settlers actually resident there upon with an Account of the Roads, Canals, Bridges and other internal communications which they may have opened, of the various Buildings they may have erected and of the public improvements they have carried into execution or commenced.

25. His Majesty's Government will recommend to the Legislature of Lower Canada the adoption of any Laws which it may be convenient to pass there for carrying these arrangements into effect and especially a Law for registering all transfers and Mortgages of land in the enumerated Townships.

26. The Grant to the Company will not contain any special provisions not usually inserted in Grants of land in the province excepting only such provisions as may be necessary for giving effect to the present arrangement. The Grant however will contain a reservation to the Crown of all Mines and Minerals whether of Gold, Silver, Copper, Lead, Iron, or of whatever other nature such Minerals may be. This reservation will not extend to Quarries of Lime or stone or any other material used for Agricultural purposes for building or for fuel. But in fixing the price upon which the Quit Rent is to be calculated the Commissioners will have regard to the

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probability (whatever it may be) of Mines of Coal being discovered beneath the surface and which will enhance that price accordingly.

I have the honour, to be, sir,

Yours &c., &c., &c.

NOTE B.—No. 7.—THIRD ENCLOSURE.

(Archives, Series Q., Vol. 173-1, p. 139.)

Draft of a Letter from Lord Bathurst to Lord Dalhousie, referring to the preceding Letters for his Report upon them.

My Lord,—I have the honour to enclose for Your Lordship's information and perusal the Copy of a Letter which has been addressed to me by Mr. Felton a Member of the Legislative Council in Lower Canada as the Agent of several Gentlemen resident in the Province and in this Country who have associated themselves together to form a Company for the Cultivation and improvement of Waste Lands and for other purposes connected with the improvement of Lower Canada. I have further the honour to enclose a Draft which has been prepared under my directions of the answer which I am at present disposed to return to this application.

I am to desire that Your Excellency would take these papers into your consideration and report to me at your earliest convenience for His Majesty's information your opinion how far the measures at present in contemplation are calculated to promote the real interests of the Province and whether your local experience enables you to suggest any beneficial alterations in the plan as detailed in the Draft of my proposed answer to Mr. Felton.

I have the honour to be,

&c., &c., &c.

NOTE B.—No. 8.—FOURTH ENCLOSURE.

(Archives, Series Q., Vol. 173-1, p. 141.)

Draft of a Letter to be addressed to Mr. Felton by Mr. Wilmot Horton.

Sir,—I am directed by Lord Bathurst to acknowledge the receipt of the letter addressed by you to His Lordship on the instant enclosing proposals relative to the formation of a Company for the clearing and improvement of Waste Lands in Lower Canada and for other purposes connected with that Province.

I am directed to enclose for your perusal the Draft of an answer to your letter which has been prepared under His Lordships instructions and which it may be satisfactory to yourself and the Gentlemen for whom you are acting to peruse as containing an explanation of the views which his Lordship at present entertains upon the subjects discussed in your Letter. Lord Bathurst however proposes to transmit by the earliest opportunity to the Governor of the Province Your Letter and his own proposed Answer to it and to call upon His Excellency to report how far the measures at present in contemplation are calculated to promote the real interests of the Province and whether there are any further modifications of the Plan which his local experience may enable him to suggest.

Until the answer to this reference is received it will not be in His Lordships power to return any more definite answer to your proposals.

I have the honour to be,

&c., &c., &c.

NOTE B.—No. 9.—MR. JAMES STEPHEN TO MR. WILMOT HORTON.

(Archives, Series Q, Vol. 173-1, p. 143.)

TUNBRIDGE WELLS, October 27th, 1825.

DEAR SIR,—In transmitting to you the proposed correspondence with Mr. Felton, for which I received your Instructions a very few days ago, it is necessary that I should at the same time explain, what may appear to be deviations in my Drafts, from the intentions expressed by Lord Bathurst on the subject.

I will, in the first place however, state to you, in general, of what this proposed correspondence consists.

I find, on enquiry, that no formal written application has ever yet been made to Lord Bathurst on behalf of the intended Company for a Charter, I do not mean that a good deal has not been written about it in one way or other, but they have never yet presented themselves, in the precise form of suitors for this favour. Now it seems to me to be necessary to the completeness, it not to the propriety of this correspondence, that it should open with a Letter from Mr. Felton, shortly explaining the views of the Company, and requesting to know Lord Bathurst's decision respecting them. Accordingly the Letter No. 1 is a proposed Letter from Mr. Felton to this effect.

The letter No. 2 is the longest and most important of the Series, being the Draft of Lord Bathurst's answer to Mr. Felton's application, agreeing to it in general, but at the same time qualifying that consent by such modifications of the plan as I understand to be consistent with his Lordship's intention.

I learn from Mr. Felton himself, who is indeed the only person with whom I have conversed on this occasion, that before Lord Bathurst's answer is sent, it is his Lordship's purpose to require from Lord Dalhousie a Report upon the probable results of the measure in general, and upon the separate provisions of it in detail. The Letter No. 3 is therefore the Draft of a Letter from Lord Bathurst to Lord Dalhousie, in which I should propose to enclose the Draft of Lord Bathurst's intended answer to Mr. Felton, as explanatory of the views at present entertained by His Lordship on the subject, and as affording the basis to which Lord Dalhousie's report is to refer.

The letter No. 4 is the Draft of a Letter from yourself to Mr. Felton in which for the information of himself and those for whom he acts, I propose that you should enclose to him the Draft of Lord Bathurst's intended answer, at the same time informing him of the reference to Lord Dalhousie and intimating that, until the answer to that reference arrives, no more definite answer will be given to his application.

I have now to explain why it is that in framing the Draft of Lord Bathurst's answer to Mr. Felton, I have ventured to deviate on more than one point from the letter, but not I hope from the spirit of his Lordship's instructions.

First I have to observe that the written Memorandum prepared by Mr. Felton for Lord Bathurst's consideration, but which is in the hand writing of Mr. Baillie, proposes that in the fifty seven Townships South of the St. Lawrence, the Crown should retain a part of the Crown reserves to the extent of 50,000 acres; and that on the other hand in consideration of the Company receiving one third only, instead of one half of the Clergy reserves in those Townships, they should receive a part of the ungranted Lands there amounting to 61,000 Acres. Now these two provisions go very near to neutralize each other.

Deduct the 50,000 Acres from the 61,000, and the result of those two Clauses is, that the Company receive 11,000 Acres of Land more than they would receive if the clauses were altogether omitted. But (as I learn from Mr. Felton) they are willing to forego the very trifling advantage, for the sake of avoiding the various questions to which the deduction of the 50,000 Acres on the one hand, and the addition of the 61,000 on the other would give occasion.

It occurred to me however, that the Crown Reserves might have some superiority either in situation, fertility or otherwise over the ungranted Lands; and that therefore the 50,000 Acres to be deducted from the former, might be much more than an equivalent for the 61,000 Acres which are to be granted out of the latter, I am however most confidently assured, that this is not the fact, and that the Company are just as willing to take the ungranted Lands, as to take the Crown reserves.

I am therefore unable to perceive any advantage whatever, in retaining either of these Clauses, which is not more than compensated by expunging them both. In my Draft consequently they are both omitted.

Secondly. In the Memorandum laid before Lord Bathurst, two different Clauses occur both of which have the same general object, that namely, of providing a sufficient security, that the Company will really invest an adequate Capital in the cultivation and improvement of their Lands.

First, there is the clause for laying out £100,000 in five years; and Secondly the Clause for placing Settlers on the Lands, or laying out of a certain sum per acre upon each Lot which may not be so settled in due time.

This latter clause is connected with a provision authorizing the company to decide for themselves the order in which their different Townships are to be occupied by Settlers.

In reference to these clauses, I perceive, that Lord Bathurst has remarked that no provision is made for establishing the fact of the expenditure of the £100,000, and if that expenditure be duly secured his Lordship "*is not disposed to criticise*" the clause respecting Settlers.

I trust that the spirit of Lord Bathurst's remarks has been rightly understood, and followed, in the alterations which I have made in these particulars.

I have declared that if the Company shall not prove to the satisfaction of the Governor in Council, within 5 years after the date of their Charter, that they have expended the £100,000, their Lands are thence forward to become chargeable with what may be termed a penal quit Rent, estimated at 5 per cent per annum, upon so much of the £100,000 as may be unexpended. From this quit Rent they would be relieved by proving themselves, at any future time, to have made the necessary expenditure.

I submit to you, that the clause thus modelled, is an adequate substitute for the whole of the three clauses to which I have referred.

The proposed regulations respecting placing Settlers on the Lands &c, are unavoidably so indefinite and, would in practice be so difficult to enforce, that I do not think the omission of them will be attended with any real injury to the public interests. The real object is to prevent the company from neglecting the improvement of their Lands; an object which seems sufficiently attained when the regulation respecting the expenditure of the £100,000 is rendered binding and effectual. If any such sum is really laid out, the sincerity of the Company's intention to set to work strenuously need not be doubted; and they will be the best judges as to the right method of conducting settlements advantageously to themselves and the public.

This is the construction I have put on Lord Bathurst's note in which he states his indisposition to criticise the Settlement Clauses provided the expenditure Clause were rendered efficient. If I have misunderstood his meaning I trust his Lordship will forgive my unintentional blunder.

I should here observe, that Mr. Felton entirely acquiesces in the alterations I have proposed.

Thirdly. In the Memorandum submitted to Lord Bathurst the Company offer either to pay down at once, a sum of money, or to pay an annual quit Rent to commence 5 years after date of their Charter. Lord Bathurst having decided to accept the quit Rent, it would seem to follow, that the Commissioners would have to report upon what is the proper amount of that Rent. But then as the Rent is to be 5 per cent per annum on the fair value of the Lands, the question for the Commissioners is still a mere question of valuation. Now the dealings with the other Canada Company have sufficiently proved that it is impossible to solve the problem in this form.

The proverb says that "the value of a thing is just what it will bring," as good a definition probably as Mr. McCulloch himself could furnish. Now it is impossible to say, what such a property as this would bring, because such a property was never before the subject of sale and purchase. I have therefore thought, that instead of proposing to the Commissioners the question as to the value, it would be a more satisfactory course to enquire, how much such a Company could reasonably give for such a property, without on the one hand incurring the risk of ruinous loss, or on the other gaining the prospect of immoderate profits. The question thus stated lets in every consideration fairly bearing upon the topic in discussion; and seems susceptible of a definite and decided answer; I have therefore varied the Draft accordingly.

The rest of what I have introduced, consists chiefly, if not altogether in supplying omissions in the paper laid before Lord Bathurst, the object of these additions being to render the arrangement more complete and intelligible.

They will however sufficiently explain themselves.

I am, Dear Sir, very truly yours,

JAS. STEPHEN, Jr.

ROBERT WILMOT HORTON, Esq.
&c., &c., &c.

NOTE B.—No. 10.—LORD DALHOUSIE TO LORD BATHURST.

(*Archives, Series Q., Vol. 178-2, p. 499.*)

CASTLE ST. LEWIS,
QUEBEC, 19 June, 1826.

MY LORD,—I had the honour of receiving in March last your Lordship's Dispatch of 20th Novr respecting the proposal for the establishment of a Company for the purchase and Settlement of a part of the Crown Reserves in this Province, and having immediately after the close of the Session of the Provincial Legislature submitted this subject to the consideration of the Executive Council, I have received from them the Report of which I enclose your Lordship a copy.

A general outline of a project for the establishment of such a Company having been communicated to me last November by Mr. Simon McGillivray, one of the Association formed last summer in this Province for carrying it into effect, I then stated to him very fully in a letter, of which I beg to inclose your Lordship a copy, the reasons which led me to apprehend that such an undertaking could not be commenced with any prospect of success and could not be encouraged by the Provincial Government.

In addition to what I have therein expressed, I have to submit to your Lordship, that I have no greater Confidence in the success of the modified measure proposed by Mr. Felton than in the original scheme; that I have no expectation that any real Capital equal to the purpose in view, could be obtained, and that I much apprehend that the project originally sprung from the wild eagerness for Joint Stock Companies which prevailed in England in 1824 & 1825 and spread to this Country.

The result of that which was organized for the purchase of the Reserves in Upper Canada remains yet to be ascertained; But the issue of many of the speculations to which I allude has already shown what may be expected from others on a similar foundation.

I apprehend my Lord that the improvement of roads, Mills and Settlements held out by this scheme are not to be accomplished by such means, and that the Settlement of a Country such as Canada cannot be forced but must be progressive and slow, that one step must follow another in regular succession, and by the accumulating power of a Population prospering in its own wealth and not dependent on the monopoly or the means of any Great Company.

The object of His Majesty's Government being to encourage the Settlement of this Province I conceive that it may be effected by other means more practicable as it appears to me, & more immediately within the power of Government itself to accomplish by which at the same time encouragement might be given under the direction of Government to associations such as Mr. Felton proposes.

The plan I would suggest would be

1st That Government should put a stop to granting Lands *Gratis* except in a few cases

2nd That Commissioners should be appointed in the several Counties with authority to cause Lands to be surveyed & sold at their value (to be ascertained from time to time) on conditions of settlement.

3rd That seven years credit should be given and the Patent on payment of the full sum and proof of settlement; under which arrangement Companies or Individuals might join in purchasing large tracts.

4th That the Court of Escheats be put into active operation and that the office of Land Patents be made the efficient head of these important measures.

If His Majesty's Government will grant a power to the Government to effect the Surveys which this plan would require, by such sums as may be necessary at the outset or if the Provincial Legislature would undertake such a system, the expence to be repaid out of the proceeds of the Lands sold, I have no doubt that such activity and enterprise would spring up in Lower Canada as would far outstrip the utmost exertions of any fictitious capital that could be received.

I have the honour to be my Lord

Your Lordship's most obedient humble servant

DALHOUSIE.

The Right Honorable

The Earl BATHURST K.G.
&c &c &c.

, 1826.

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NOTE B.—No. 11—MINUTE OF EXECUTIVE COUNCIL, U.C.

(Archives, Series Q, Vol. 341, p. 31.)

EXECUTIVE COUNCIL CHAMBER AT YORK,

Tuesday, 14th March, 1826.

Present:

The Honble. Wm. Campbell, Chief Justice, Chairman,
The Honble. James Baby,
The Honble. and Revd. Dr. John Strachan.

To His Excellency Sir Peregrine Maitland, K.C.B., Lieutenant Governor of the province of Upper Canada, and Major General Commanding Her Majesty's Forces, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY:

A sufficient number of answers to the circular letter of the 21st November, 1825, which was addressed to the Land Boards, Quarter Sessions, Registers, Surveyors, and other respectable people in different sections of the province having been received to enable the Board to make out Tables of valuations for several Districts, the Council most respectfully submit to your Excellency the Table of the Home District as a specimen; this Table presents three values for each Township, compiled from Eleven Returns, viz.: The Credit price, Ready Money price and the average price, the Column immediately following the returns contain the mean of each of these prices respectively, and the last Column gives the mean of the three values contained in the former column. This last mean, it is humbly presumed, will give a very near approximation to the true value of the lands in each Township, and

where upon minute examination or other information it shall appear otherwise; the column of Remarks leaves it in the power of the Executive Council to alter it and assign the reasons. From these District Tables, carefully examined and altered by your Excellency in Council, a General Table may be compiled for the whole province, to consist merely of the names of the Townships, and the last column which contains the mean of the three values or average prices at what the Lands under the new system are to be sold.

The prices of Townships equally favourable as to situation and soil, will be found in many instances very different, and this almost always arises from there being no settlers in such Townships and no access by Roads, thus the Township of Cavan averages $\frac{1}{3}$, and Cartwright and Manvers on the same range, but in which there are no Settlers are valued at $\frac{2}{3}$ and $\frac{3}{4}$. Much greater differences will be found in other cases, but this is sufficient to show the propriety of revising from time to time the Table, as a few Settlers or a good Road will increase the value of the Land one hundred per cent.

NOTE B.—No. 12.—LORD DALHOUSIE TO MR. SIMON MCGILLIVRAY.

(Archives, Series Q, Vol. 176-2, p. 506.)

QUEBEC, 9th Nov., 1825.

SIR,—In answer to the Memorial and papers you have presented to me on the subject of the formation of a Land Company in Lower Canada, and of the proposals intended to be made by it to H. M. Govt. I must confess I see many reasons which oblige me to decline to recommend it or to countenance it at present. I will state these reasons very shortly and request only that I may not be supposed to place myself in opposition to any measures which may be devised for the settlement of this Province, but that I am convinced that there are great difficulties in the way which must be overcome somehow before such a Company can carry their Plans into effect.

1. One of the greatest of these difficulties is, that this Province is not so surveyed as to enable H. M. Govt. to enter into any such bargains with a Company of Purchasers—the boundary lines of Counties are not yet ascertained nor are those of Townships or parishes, otherwise than on the paper plans in the Office of Surveyor General—to accomplish such an accurate Survey would require both great time & great expense.

2nd. It is not in the power of H. M. Govt. to grant any part of the Clergy Reserves without the consent of the Chartered incorporation appointed for the management of them, & that consent I do not think can be obtained.

3rd. If such a Company were to be formed & chartered, it would be a matter of necessity that H. M. Govt. should cease to grant Land Gratis. I don't think that H. M. Govt. would grant any such monopoly of the Waste Lands, or deprive H. M. power to Grant Lands to deserving subjects.

4th. H. M. Govt. is required to grant the Lands free of expense to do that under existing claims of Fees would cause an expence of Fees that might amount to the whole sum payable for the Lands.

5th. To put the Company in peaceable possession of the lands to be granted appears to me to be a task impracticable or not to be accomplished in our days. The undefined Seigniorial & Patented Lands & locations, & prescriptive rights by long settlement of individuals, with a variety of other claims of purchase & sales by Sheriff or by individuals, make it impossible that H. M. Govt. can come under such obligation, witness the business of La Salle, which cost £5,000 to the province very lately, besides many other disputed titles and limits now under Litigation in Courts of Law.

Were it necessary I might state many others which occur to me, but these are sufficient & hope to justify my doubts on the practicability of the plan.

I have &c.,

D.

SIMON MCGILLIVRAY, Esq.

NOTE B.—NO. 13.—MINUTE OF EXECUTIVE COUNCIL.

(Archives, Series Q., Vol. 341, p. 38.)

EXECUTIVE COUNCIL CHAMBER AT YORK,
FRIDAY, 9th June, 1826.

Present:

The Hon. William Campbell, Chief Justice, Chairman.

The Hon. James Baby.

The Hon. Peter Robinson.

To His Excellency Sir Peregrine Maitland, K.C.B., Lieutenant-Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein, &c., &c., &c.

May it please Your Excellency:

The Council have had under its consideration the Returns received from the different Districts respecting the value of the ungranted Lands of the Crown in each.

These afford a good deal of information, but it is necessary to remark: that they are found in some instances to vary so much and without any apparent reason, and in others to fall so far short of the known value of the Lands that the Council have felt obliged to exercise its own judgment, and to recommend such a valuation as it considers just towards the Government, and at the same time reasonable as regards the purchasers as exhibited by the Annexed Schedule.

All which is most respectfully submitted.

W. CAMPBELL, C.J.
P. M.

HOME DISTRICT.

Brook.....	5 s. per acre
Georgina.....	5 s. "
Albion.....	6 s. "
West Gwillimbury.....	6 s. "
Tecumseth.....	6 s. "
Adjala.....	5 s. "
Mono.....	5 s. "
Amaranth.....	5 s. "
Melancthon.....	5 s. "
Mulmer.....	5 s. "
Tosorontio.....	5 s. "
Essa.....	5 s. "
Innisfil.....	5 s. "
Oro.....	4 s. "
Vespra.....	4 s. "
Flos.....	4 s. "
Medonte.....	4 s. "
Orillia.....	4 s. "
Thorah.....	4 s. "
Tay.....	4 s. "
Tiny.....	4 s. "
Mara.....	4 s. "

LONDON DISTRICT.

Carradoc.....	10 s. "
Eckfrid.....	10 s. "
Mosa.....	10 s. "

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NEWCASTLE DISTRICT.

Fenelon	5 s. per acre.
Ops.....	6 s. "
Verulam	5 s. "
Harvey.....	5 s. "
Burleigh	5 s. "
Dummer.....	5 s. "
Methven.....	5 s. "
Belmont.....	5 s. "

MIDLAND DISTRICT.

Lake.....	5 s. "
Madoc.....	5 s. "
Elzevir	4 s. "
Kaladar	4 s. "
Kenebec.....	4 s. "
Palmerstone.....	4 s. "

JOHNSTOWN DISTRICT.

Marlborough.....	6 s. "
Burgess.....	5 s. "

OTTAWA DISTRICT.

Gloucester.....	5 s. "
Osgoode.....	5 s. "
Cumberland	5 s. "
Clarence.....	5 s. "
Plantagenet.....	5 s. "
Caledonia.....	5 s. "
Alfred.....	5 s. "

BATHURST DISTRICT.

North Sherbrooke...	4 s. "
South Sherbrooke.....	4 s. "
March	5 s. "
Dalhousie.....	4 s. "
Lavant.....	4 s. "
Darling.....	4 s. "
Packenham.....	4 s. "
Torbolton.....	4 s. "
Horton.....	5 s. "

WESTERN DISTRICT.

Zone	4 s. "
Dawn	4 s. "
Sombree.....	4 s. "
Chatham	4 s. "
Howard.....	4 s. "
Tilbury E.....	4 s. "
Tilbury W.....	4 s. "
Raleigh.....	4 s. "
Romney.....	4 s. "
Mersea.....	4 s. "
Rochester	4 s. "
Maidstone.....	4 s. "
Gosfield...	4 s. "
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EXECUTIVE COUNCIL CHAMBER,
M.L.C. 9th June, 1828.

W. CAMPBELL, C. J.

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NOTE C.

NATURALIZATION QUESTION.

No. 1.—CASE OF MR. BIDWELL.

(Archives, Series Q, Vol. 337-2, p 386-401).

LONDON, 176 Gower St.,
Bedford Square, Oct. 30th, 1824.

MY LORD,—I have the honour to submit to Your Lordship a statement of a case of one Barnabas Bidwell, a citizen of the United States of America, whose late election to a seat in the Assembly of Upper Canada has given rise to a question of extreme importance to the Colony, the agitation of which has occasioned very great anxiety to the provincial Government.

Case of Mr. Bidwell.

In favour of Mr Bidwell's eligibility it is maintained that having been born a Subject, he must necessarily remain so—that he cannot divest himself of his allegiance, and that the privileges of a British Subject, which accrued at his birth, must continue to his death—that these are fundamental principles of the Common Law of England which cannot be bent to circumstances but must be recognized in all cases, and in spite of any political inconveniences, or apparent incongruities.

On the other hand it is contended that tho' an Individual cannot divest himself of his allegiance, yet that the Supreme power of the State to which he owes allegiance concurring with his own Act may dissolve the tie. That the acknowledgement of the independence of America sanctioned by Act of parliament produced this effect, and that tho' it did not necessarily and of itself place in the situation of Aliens all who at that time were resident within the late revolted Colonies, yet it left them an election, by enabling all who chose, to declare themselves American Citizens; and that with respect to such as made this choice (allegiance and protection being reciprocal) the tie of allegiance which was contracted by their birth was to all intents and purposes dissolved.

That it was not possible for any-one to declare his election more plainly, and to shew more unequivocally to which Government he meant to adhere, than was done by Mr. Bidwell when he accepted offices in the United States not merely parochial, but of the most confidential kind, and considered of such political importance to the General Government that to qualify himself for them it was necessary he should formally abjure all allegiance to other powers, and more especially to that of which he had been born a subject.

That this Act of Mr Bidwell's which was authorised by treaty, and by Act of parliament either had the effect of destroying thenceforth the relation of Subject in which he had before stood to Great Britain or it had not. If it had—and he was thenceforth to be considered an American Citizen, and an Alien to the Crown of Great Britain, he must be naturalized in the same manner as any other Alien before he can enjoy any of the privileges of a British Subject. If on the other hand, he did not after this act cease to be a British Subject then it must necessarily follow that EVERY person born in the revolted Colonies before the treaty of Independence must still be regarded as natural born Subjects of Great Britain, and entitled to claim all the privileges of that Character, for it is impossible that any one of them can have done more to divest himself of that character than Mr. Bidwell has done—such a

position it is affirmed would not only lead to mischievous effects but to extravagant absurdities. All the Officers of rank in the American Army during the late war, and much the greater proportion of the men were born before the year 1783. If these then were British Subjects at the time they were taken invading the British territory, they were liable to be hanged as traitors, nevertheless had they been brought to trial for bearing Arms against their Sovereign, they would have claimed to be regarded as alien enemies, and they must have been acknowledged to be so; but if in War they were *Alien Enemies*, must it not follow that in peace they are *Alien friends*?

If Mr. Bidwell must be regarded now as a natural born subject of Great Britain, then were hundreds of such British subjects confined in Dartmoor prison, not as rebels but as prisoners of War, and this being wholly illegal, if they were subjects, they might have brought their writs of Habeas Corpus and been discharged. Then also the persons who as Members of congress and Officers of the American Government, incited the nation to the late War, and the Soldiers who carried it on might, if they possessed the necessary qualifications in property, immediately after the War, or even in the midst of the contest, been returned to Parliament as representatives of English Counties. That in short, if these Citizens of America are to be regarded as Alien enemies in war, and in peace as subjects with equal rights, then those who in 1812 invaded Upper Canada in open war without incurring the guilt of treason, could on the return of peace in 1816, or even during the contest, have purchased and held as Subjects of Great Britain the soil which they had in vain attempted to wrest from her by force, That even a greater absurdity than this might follow. It is very clear that Mr. Bidwell, whether he must still be regarded as a British Subject or not, is an American Citizen and intitled to act as such in direct hostility to the British Government, as well as to all other nations; and whatever rights he may have, it is admitted that he *owes no allegiance* to Great Britain except such as the Subjects of other foreign States owe while they reside under her protection.

If, therefore, Mr. Bidwell had been a Member of the Legislature of Upper Canada before the last War, he might on the eve of it have withdrawn from the province and returned to his own Country, and might have laid upon the table of congress all the information which as a representative of the people he had acquired from Communications made by the Government; and when the war broke out he might have headed his countrymen in an invasion of the Province and yet not subjected himself to the punishment of treason.

That the two Nations have not conceived that relation still to continue which must involve so many absurdities, appears, it is said, from several public Acts.

In their very Declaration of Independence the Americans declared that they would thenceforth regard "the people of Great Britain as they regarded the rest of mankind, enemies in war, in peace friends." And when at the termination of the contest they were declared free and independent, it cannot be understood that the independence was not mutual, but that the relation of Subject and Sovereign between the Citizens of the United States and their late Sovereign was still to subsist, whenever the former might choose to claim it.

In the British Statute 28, Geo. 3, ch. 6, sec. 2 & 13, a distinction is evidently made between British Subjects and American Citizens, and yet all American Citizens who had not immigrated from foreign States must at that early period have been born British Subjects.

The 35, Geo. 3, ch. 97, was passed expressly to enable the Subjects of Great Britain and the Citizens of the United States to continue to hold such real estate as either then possessed in the dominions of the other, and it is provided that with respect to their title to such estate "*they shall not be regarded as Aliens.*" An Enactment which could not have been necessary so far as regarded the Americans, if they continued to retain, notwithstanding their separation, the character and privileges of British Subjects.

To these instances it was added that American Citizens have since their independence, been ever regarded as Aliens in the execution of our navigation laws, and that, except where they are allowed by express provisions of Acts of

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Parliament, if a Ship Transporting goods from one Colony to another, were to be in part owned by Americans, whether born before or after 1783, she would be forfeited as not being wholly owned by Subjects of Great Britain, and Mr. Bidwell after he had so completely declared himself an American Citizen by becoming a Member of Congress, and abjuring allegiance to all other Governments, would not be suffered to continue part owner of a British Ship, at the very time that it is contended he is so essentially a British Subject as to be competent to represent British Subjects in parliament.

From the consideration of these and other contradictions that would follow, it was urged that it must be presumed to have been intended by the 31 Geo. 3 ch. 31, that British Subjects only should be admitted into the Assembly of Canada—that the enumeration in the 22d clause, which has been recited, was meant merely to describe the different kinds of British Subjects contemplated by the Act, viz.: subjects by birth, subjects by naturalization and subjects by the conquest, and cession of Canada, but that in which ever of these three manners the character may have been acquired, that they must be *British Subjects at the time of their election*—that whether persons born *British Subjects* must necessarily continue entitled to be so considered, thro' all political changes, and under all possible circumstances, the day of their death is a constitutional question of which the discussion is not precluded by any words in the 31 Geo. 3, and of which the decision must entirely govern the application of that statute in the matter under consideration.

By the 31 Geo. 3, ch. 31, it is enacted "that there shall be within each of the Provinces of Upper and Lower Canada a Legislative Council and House of Assembly to be severally composed and constituted in the manner therein described, and that in each of the said Provinces respectively, His Majesty, his heirs or successors shall have power during the continuance of that Act, by and with the advice and consent of the Legislative Council and Assembly of such Provinces, respectively, to make laws for the peace, welfare, and good government thereof, such laws not being repugnant to the said Act."

By the 22d Section of the same Statute it is enacted "that no person shall be capable of voting at any election of a member to serve in such Assembly in either of the said Provinces, or of being elected, at any such election, who shall not be of the full age of twenty-one years and a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty having become such by the conquest and cession of the Province of Canada."

Upon the proper legal construction of this clause of the Statute the following question has arisen, and it need not be stated how important it is to the peace and welfare of the Colony that it should be correctly decided.

Barnabas Bidwell was born in the Province of Massachusetts Bay while it was a British Colony, and remained there during the whole of the rebellion, in which, from his tender age, as it is stated, he took no active part. Soon after the treaty of 1783, by which the revolted Colonies of America were acknowledged to be free, and independent States, Mr. Bidwell became Attorney General of the State of Massachusetts, a Member of the Congress of the United States, and Treasurer of the County of Berkshire, before entering into which Offices he took an Oath required by a positive law of that Country, by which he "renounced without equivocation or reservation all allegiance to any foreign State or power, and especially to the King and Government of Great Britain."

About 1810 Mr. Bidwell, on account of some malversation in office, for which he was indicted, withdrew from the United States to Upper Canada, where he has since resided without interruption, and in 1821 he was returned to serve as a Member in the House of Assembly of that Province and held eligible under the construction given to the 22d Sec. above recited, by the majority of the Assembly, but was expelled on the grounds of infamy of character.

The constitutional question to which his return gave rise must unavoidably recur from the contiguity of Upper Canada to the United States of America, and indeed it remains to be again agitated during the next session of the Legislature, for Mr. Bidwell's son is contesting the return for the same County for which his father

had been chosen, and the Lieutenant Governor conceiving this matter to be of great consequence to the peace and security of the Province has addressed a dispatch to His Majesty's Government on the subject.

Mr. Bidwell did not claim to be considered as naturalized under the provisions of the 13 Geo. 2, ch. 7, because if that Statute could have applied to him he has performed none of the conditions prescribed by it, not being *naturalized* under that, or any other Act of the British Parliament, "and not having become a subject by the conquest and cession of Canada" his right to sit as a Representative in the Assembly under the 31 Geo. 3 ch. 31 can rest only upon the assumption that he was entitled at the time of his return to be considered "a natural born subject of His Majesty" within the meaning of the clause which has been recited.

From the Communications both personal and written which I have had with His Excellency the Lieutenant Governor, I beg to represent that it would be most satisfactory to His Excellency to obtain thro' the Right Honble The Secretary of State for the Colonies the opinion of His Majesty's Law Officers upon that point, and also whether the son of a person so situated as Mr. Bidwell, *born* in the United States of America, *after the treaty of 1783*, is eligible to a seat in the Assembly of Upper Canada (whatever length of time he may have resided in the Province) without having been naturalized by Act of Parliament? I take the liberty of transmitting with this a paper in which I have stated shortly and imperfectly the arguments by which the claim of Barnabas Bidwell to be eligible was supported and opposed.

NOTE C.—No. 2.—LAW OFFICERS TO LORD BATHURST.

(Archives, Series Q., Vol. 337—p. 45.)

SERGEANT'S INN, 13 November, 1824.

MY LORD,—We have had the honour to receive Your Lordship's letter transmitting to us several documents relative to the case of Mr. Barnabas Bidwell, a citizen of the United States, who had been returned as a member of the house of Assembly of the province of Upper Canada; and Your Lordship was pleased to desire that we would take the same into our consideration and report to Your Lordship our opinion whether Mr. Bidwell has any right to sit as a representative in the Assembly of Upper Canada under 31 Geo. 3 Cap. 31 or under any other Act of Parliament referred to in the accompanying case, and in the event of our considering that Mr. Bidwell has no claim to a seat in the Legislative Assembly Your Lordship was also pleased to desire that we would inform Your Lordship whether we consider Mr. Bidwell's son who was born in the United States of America since the peace of 1783 as also ineligible.

In compliance with Your Lordship's request we beg leave to report that we are of opinion that Mr. Bidwell has no right to sit as a representative in the Assembly of Upper Canada under the 31 Geo. 3rd, Chap. 31, or any other act, and we are further of opinion that Mr. Bidwell's son is also ineligible. We have considered the general question to be of very great importance and as it has been for some time depending in the King's Bench we were desirous of waiting the decision of that court before we gave opinion upon it. The judgment has been lately pronounced and after very elaborate argument it has been decided that a person in the situation of Mr. Bidwell is not a natural born Subject of His Majesty but an Alien and that the Son of such a person born in the United States after the treaty of 1783 is also an Alien.

This question therefore which has been so long and so frequently agitated may at length be considered as finally determined.

We have the honour to be My Lord,

Your Lordship's most obedient humble servants,

J. S. COPLEY,

CHS. WETHERELL.

The Right Honourable EARL BATHURST,
&c., &c., &c.

NOTE C.—No. 3.—MEMORIAL OF THE ASSEMBLY OF UPPER CANADA TO THE KING.

*(Archives, Series Q. Vol. 340-1 p. 177)*TO THE KING'S MOST EXCELLENT MAJESTY
MOST GRACIOUS SOVEREIGN.

We your Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled humbly beg leave to approach your Majesty upon a subject of the most vital importance to this Province and to represent to your Majesty that a large portion of its Inhabitants consists of Persons who were born, or whose Fathers or paternal Grandfathers were born within the allegiance of the British Crown, but who were resident in the United States of America at and after the treaty of 1783.

From the earliest Settlement of Upper Canada, which commenced immediately after the Peace of 1783 these persons with the knowledge and approbation of your Majesty's Government came in great numbers to the Province, and were immediately admitted, and uniformly considered to be entitled (with no other restrictions than those imposed by the Provincial Legislature by which they were disqualified from electing or being elected to the House of Assembly until they had resided seven years continually in the Province) to all the rights and privileges, and subject to all the duties, responsibilities and obligations of natural born British Subjects.

We would further most humbly represent that the 30th George 3rd Cap 27 was passed for the avowed purpose of encouraging such persons to come and settle in the Province of Quebec, and Your Majesty's other North America Territories, and evidently contemplated their settling as Freeholders which if they were aliens they could not do without being naturalized; and that as the said Statute contains no provision for the naturalization of such persons, and as there was no law for the naturalization of Persons who were born in the King's allegiance as those were whom it was principally the object of that Statute to invite into these provinces, the said Statute according to a fair and liberal construction implies that their natural allegiance had never been in any wise destroyed, forfeited or dissolved, but that on the contrary according to the Common Law principle of perpetual and double allegiance as laid down by Bracton and other ancient Authorities, and applied to the people of Normandy and other Territories in France recognized by the Court of Calvin's case in the reign of James the first, and subsequently recognized by the Judges in the Exchequer Chamber in the decision of the case of Marryatt and Wilson notwithstanding they had been subjects of the United States of America they still remained natural born British Subjects.

We would also most humbly represent that as the 31st Geo. 3, cap. 31st, was passed in the ensuing year by the same parliament, and dictated by the same spirit and policy, for the improvement and benefit of this Colony as the aforesaid 30th Geo. 3, cap. 27, the said statutes should be considered in connection, and so construed as most to reconcile and promote the objects and provisions of each, and that therefore the term "Natural born Subjects of His Majesty," used in the said 31st Geo. 3, cap. 31st, should be regarded as having been intended to include persons of the same description as those who by the Statute of the preceding year had been invited into these Provinces as Settlers, and that this construction is strengthened by the consideration that if this had not been the intention while it was the avowed policy of the Imperial Parliament to hold out peculiar encouragement to such persons to come into and settle in these Provinces, they nevertheless were by the very same Parliament absolutely and forever debarred from enjoying the most valuable and important rights of British Subjects, which at the same time were freely and fully granted to Aliens by birth, upon their compliance with certain forms and conditions prescribed by the naturalization Laws.

That this construction is conformable not only to the spirit of these Statutes, and the avowed object in particular of the said 30th Geo. 3rd, cap. 27, but also to the uniform practice both of Your Majesty's Government and of the Provincial

Legislature, that such persons have been encouraged by Your Majesty's Government to come and settle in this Province, have received Grants of Land from Your Majesty, have been appointed to various offices of trust and honour, have been required to serve in the Militia, as well as during the late War with the United States of America, as in peace and to perform various other duties as British Subjects, and have continually held seats in the Legislature, and that various Provincial Statutes have been passed upon the principle that they were to all intents and purposes British Subjects.

That the meritorious and loyal conduct in defence of this Province of such persons of this description as were called into actual Service during the late contest with the United States of America, the gallantry with which they encountered the dangers, and the patience and cheerfulness with which they endured the privations of War, prove that they justly appreciate the rights which they have so long enjoyed, and are fully entitled to the confidence, protection and paternal care of Your Majesty's Government; and that no danger need be apprehended to the Province from the aforesaid construction of the Law with respect to them.

That in all civil transactions in the Province they have invariably been considered as British Subjects, that as such they have taken by grant, purchase, devise, marriage, and inheritance, and have held conveyed and disposed of Land; that many of them have deceased leaving Land in the Province to others, that a very large proportion of all the cultivated Land in the Province either is now holden or has been held and transferred by them without any question until lately, as to their legal capacity to do so, and that now to regard them as Aliens contrary to the former construction of Law, which for so long a period has universally prevailed and been acted upon, would in this respect as well as others be attended with great inconvenience and produce incalculable confusion and trouble through the Province.

That as these persons have become connected in all the relations of Social and domestic life with the other inhabitants of the Province, have for so long a period been invariably considered as British Subjects, and have contributed by their industry and good order to the tranquillity and welfare; and by their bravery and loyalty to the security and defence of the Province; to reverse at this time the said construction of the Law with respect to them, would excite great dissatisfaction and alarm through the Provinces, and would tend to destroy all confidence in the security of Civil Rights, and in the certainty of Laws in general.

That as this construction of the law has from the earliest settlement of this Province been solemnly and repeatedly sanctioned by the practice of Your Majesty's Government and by Acts of the Provincial Legislature, which although submitted to Your Majesty's Government in England according to the Provisions of the 31st Geo. 3 Cap. 31st, have not been disallowed it would be inconsistent with the honour and good faith which have always characterized Your Majesty's Government, and an act of manifest impolicy and injustice now to adopt a new and different construction whereby they would be regarded as Aliens.

That during the present Session His Excellency The Lieutenant-Governor has by message informed the two Houses of the Provincial Parliament, that in consequence of the construction put upon the Law in a recent decision by one of the Courts of Law in England, such persons would hereafter be exposed to the inconvenience of finding those rights denied which they have hitherto enjoyed, and that in the persuasion that they might be safely received and acknowledged as Subjects with no other qualifications than those which the Legislature of this Province has from time to time thought it expedient to impose, having earnestly pressed the subject upon the consideration of Your Majesty's Government, he has received Your Majesty's express Sanction to assent to an enactment which may afford relief to such persons, and has also been pleased to transmit an extract of a Letter from the Right Honourable the Earl Bathurst, Your Majesty's Principal Secretary of State for the Colonies, containing the Opinion of Your Majesty's Government that it would be advisable to secure such persons the Rights and Privileges of British Subjects.

That a Bill has been sent down to Your Majesty's faithful Commons from the Honourable the Legislative Council, referring to said Message predicated upon the

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principle that such persons were Aliens, and conferring upon them certain Rights and privileges, but not according to the obvious intention of Your Majesty's Government, as expressed in said Message and Extract, all the Rights and privileges of British Subjects, to wit the Rights of Voting at any Election of a Member to serve in the House of Assembly, and of being elected at such Election; which Bill Your Majesty's faithful Commons after mature and solemn consideration of the Law and Justice of the case, have returned to the Honble the Legislative Council with an amendment by which it is declared and enacted according to the former uniform construction of the Law in this Province, that such persons have been, are, and shall be considered to be, to all intents and purposes natural born British Subjects.

That as it is uncertain whether such Bill so amended, will pass the other branches of the Legislature and as it is the duty of Your Majesty's faithful Commons whenever the Rights of the people may be in danger to omit no precautions for their security, they most humbly represent that some further measures should be adopted to prevent this new and alarming construction of the Law, from being enforced to the prejudice, terror and disfranchisement of a large portion of the Inhabitants of this Province, who have quietly and loyally confided in the security and certainty of the Laws as uniformly construed and administered for more than thirty years, and in the honour, good faith and Paternal Care of Your Majesty's government.

We would further most humbly represent to Your Majesty that there are also in this Province various other persons, not natural born British subjects, who have not strictly complied with the provisions of those British Statutes under which they might have been entitled to the privileges of British Subjects, and to whom as their well known loyalty and good conduct satisfactorily prove, it would be not only safe but just and expedient according to the recommendation of Your Majesty's Government that all the rights and privileges of British Subjects should be effectually secured.

That Your Majesty's faithful Commons, anxious to extend to such persons all the rights and privileges which the Provincial Legislature is authorized constitutionally to confer, have passed a Bill to secure to all persons domiciled in this Province, all the rights and privileges of natural born British Subjects, subject nevertheless to the qualifications imposed by the Laws of this Province with respect to the right of voting and being elected, and have sent the said Bill to the Honourable the Legislative Council, and that Your Majesty's faithful Commons have felt it to be their duty to take some measures without delay to obtain for such persons all the rights and privileges of British Subjects without restriction, which can effectually be done only by an enactment of the Imperial Parliament.

Wherefore, we humbly pray Your Majesty to take these matters into your most gracious consideration, and to recommend to Your Parliament the adoption of such measures as may effectually prevent the denial, by a new Construction of the Law, to the persons first mentioned of Rights which they have so long enjoyed without being questioned, and with the sanction of Your Majesty's Government, and the evils which result from the application of this new construction to persons who, having owned Land in this Province, are now deceased or resident in a Foreign Country, and as may secure beyond doubt, to all persons resident in this Province, fully and absolutely, all the rights and Privileges of natural born British Subjects.

JOHN WILSON, *Speaker.*

COMMONS HOUSE OF ASSEMBLY,
13th January, 1826.

NOTE C.—No. 4.—MINUTES OF THE EXECUTIVE COUNCIL OF UPPER CANADA.

(Archives, Series Q., Vol. 340-2, p. 374.)

EXECUTIVE COUNCIL CHAMBER AT YORK,
FRIDAY, 3rd February, 1826.*Present :*

The Honourable William Campbell, Chief Justice, Chairman.
 The Honourable James Baby.
 The Honourable and Reverend Doctor John Strachan.
 The Honourable Peter Robinson.

To His Excellency Sir Peregrine Maitland, K.C.B., Lieutenant Governor of the Province of Upper Canada and Major General Commanding His Majesty's Forces therein, &c., &c., &c.

May it please Your Excellency :

The Executive Council having considered with great attention Your Excellency's reference of the 1st Instant, accompanied with Earl Bathurst's Dispatch of the 22nd July, 1825, on the subject of conferring by Legislative enactment the rights and privileges of British subjects upon such Citizens of the United States, and other Foreigners, as are now resident in this Colony, and requesting that the Board would submit the Heads of such enactments as Your Excellency should think it would be expedient to pass in regard to the Naturalization of Foreigners who may hereafter arrive in the Province, most respectfully submit :

That the Council is painfully aware of the reception given by the House of Assembly to the Gracious offer of His Majesty's Government, communicated to that Body in Your Excellency's Message, of the 15th and 22nd of November, and the doctrines promulgated and maintained by their Votes, Resolutions, and enactments, which are not only in opposition to Law and fact, and the established policy both of Great Britain and the United States, but extremely dangerous to the peace and security of this Province, and as there is no prospect that the different Branches of the Legislature will agree in any method of carrying His Majesty's Gracious intentions, respecting Aliens residing in this Province into effect, it appears more than ever expedient to appeal without delay to the Imperial Government.

That in as far as respects Emigrants from the United States of America, many causes combine to perplex the question of their alienage which do not apply to other Foreigners, such persons exhibit the same manners and features and speak the same language with our own people, and cannot therefore be distinguished, consequently hundreds may come into the Province and purchase real estate without the knowledge of the local Government, so that when the constitutional Act of the 31st of His late Majesty King George the 3rd, Chapter 31, came into operation the Executive Government of Upper Canada, had no means of ascertaining in many cases, who had, or had not the rights and privileges of British Subjects without entering into a minute investigation of the Claims of numerous Individuals, which during a period of peace and tranquillity appeared altogether inexpedient, it not impracticable and at every Election the same difficulty must necessarily occur.

That since the late War the situations of persons who have come from the United States has frequently become matter of consideration, and the great number of such who declared for the Enemy after the commencement of Hostilities induced His Majesty's Government, on the restoration of Peace, to restrain, by Special Instructions to this Government, emigration from that Country, for although it might have appeared not unreasonable to give a preference, for a time, to persons coming into this Colony from the United States, who had spent the greater part of their lives under Monarchical institutions and in obedience to the British Crown, and who, induced by former associations might desire to return to their allegiance the continuance of such a policy it is humbly submitted to Your Excellency might in future

endanger the safety of the Province, when more than a generation has elapsed since the revolutionary War, and when all who would now avail themselves of such preference must have grown up under a Republican Government, and have contributed their services as subjects of that Government to a War of which it seemed the principal object to dismember these Provinces from the British Crown.

That in submitting the Heads of a Bill to the consideration of Your Excellency not merely to confirm, and grant the rights and privileges of British Subjects on all Foreigners now residents in the Province, but also such provisions as may be deemed necessary to regulate future Emigration, the Council see no reason to make any distinction between Persons coming from the United States and other Foreigners, nor can they refrain from expressing their doubt of the expedience of encouraging Emigration in future into this Colony, except from the British Dominions, as its surface is far less extensive than has commonly been supposed, and as the Waste Lands of the Crown, capable of improvement will very soon be occupied by the natural increase of the present Inhabitants, and the continuance of that Emigration from the United Kingdom, which His Majesty's Government has with so much wisdom and success promoted, and which adds so much to the security and welfare of this Province.

The Council most respectfully recommend: that in regard to Aliens residing in the Province, the Bill framed by the Legislative Council, and sent down for the concurrence of the House of Assembly may form the basis of any Act that may be deemed necessary to confer upon them the rights and privileges of British Subjects.

With respect to the future, the following provision will it is believed, be found sufficient:

That all Emigrants, subjects of Foreign States hereafter removing into this Province, shall after residing seven years and taking the Oath of Allegiance and Abjuration, in His Majesty's Court of King's Bench, enjoy the same rights and privileges as persons naturalized in England. Repealing at the same time the 13th Geo. 2nd Chap. 7 and the 30th Geo., 3rd Chap. 27,—which are totally inapplicable to present times and circumstances.

The Council has great satisfaction in expressing most earnestly their entire concurrence in the views of Your Excellency respecting the importance of taking immediate steps to found a University in the Province.

The population and circumstances of the Colony call for such a measure, were there no additional inducements, such as Your Excellency has adverted to, and the Council are convinced, that if by any exertion, in the power of the Government, a beginning can be at once made, so that the Youth now growing up in the Province, shall have an opportunity of receiving their education under Tutors, not merely eminent for their learning, but for their attachment to the British Monarchy and to the Established Church, the evil to which Your Excellency has alluded, and which is becoming really alarming, would be most effectually checked by means not in their nature violent, but on the contrary, producing infinite advantage to the morals and happiness of society.

The Council are fully persuaded that the effects of the University even on a moderate scale, but possessing sufficient recommendation to attract to it, the sons of the most opulent Families would soon be visible in the greater intelligence, and more confirmed principles of Loyalty of those who would be called to the various public duties of Magistrates and Legislators, and in the Members of the learned Professions, whose principles and conduct have inevitably so great an influence in Society.

It is quite evident that such an Institution in alliance with the Church, would tend to establish a most affectionate connection between this Colony and the Parent State and become a Nursery to the various professions, and from its natural relation with an increasing Clergy, would gradually infuse into the whole population a tone and feeling entirely English, and by a judicious selection of Elementary Books issuing from its Press, render it certain, that the first feelings, sentiments and opinions of the Youth should be British.

The founding of a University the Council believe to be the most important Step in the improvement of the Province that can possibly be taken, it will complete the system of Education now in operation throughout the Colony and it is indeed so essential to our future advancement, that the Board cannot but indulge the hope of soon beholding it in progress from Your Excellency's wise endeavours and when it shall be added to the many benefits already conferred by Your Excellency on Upper Canada, future generations will retain with blessings and praise Your Excellency's Administration in grateful remembrance.

All which is respectfully submitted.

P. M.

WM. CAMPBELL, C.J.

NOTE C.—No. 5.—PETITION OF THE FREEHOLDERS OF NIAGARA.

(*Archives, Series Q., Vol. 343-2, p. 300.*)

TO HIS MOST EXCELLENT MAJESTY, GEORGE THE FOURTH, SOVEREIGN
OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, &c.

The petition of the freeholders and other Inhabitants of the District of Niagara,
in the Province of Upper Canada,

HUMBLY SHEWETH :

That a very large majority of Your Majesty's dutiful and loyal subjects in this District are of that class of settlers called, American Emigrants, who have been invited into this Colony at the early settlement thereof by Your Majesty's Paternal Government, have complied with such rules and regulations as have, from time to time, been required of them by the Colonial Government, have received grants of Crown Lands, in fee simple, and been treated, in every way as natural born British Subjects, enjoying all the privileges thereof since the first settlement of the Colony, yet would be effected by the late decision of Your Majesty's Court of Your Bench in England, respecting American Aliens, should the operation of that decision extend to this Province.

That Your Majesty's humble petitioners beg leave to offer to Your Majesty their sincere acknowledgements and unfeigned gratitude for Your Majesty's most gracious consideration of their case, as conveyed to Your Majesty's Representative in this Province, through a despatch from Your Majesty's principal Secretary of State, for the Colonies bearing date the 22nd of July 1825. But Your Majesty's Petitioners are of opinion with a large majority of the Representatives of the People in this Province that the measure proposed by the Colonial Government, founded upon the said despatch, was wholly incompatible with Your Majesty's most gracious intention, and at variance with the true spirit and meaning of the said despatch; and believing, in humble submission to Your Majesty's Superior Wisdom that nothing but an enactment of the Imperial Legislature can afford effectual relief; they hope that Your Majesty ever-ready to maintain their best interests of your dutiful Colonial Subjects will fully approve of the conduct of their Representatives in rejecting such decision, on a question of such importance for the wisdom and liberality of the Imperial Parliament.

That Your Majesty's humble Petitioners have been induced to make this appeal to Your Majesty, (notwithstanding the address of the House of Assembly, already forwarded to Your Majesty on the same subject) because Your Majesty's Petitioners are aware that there exists a difference of opinion between the Colonial Executive and the Representatives of Your Majesty's Subjects in this Colony on this important question, and because certain addresses to His Excellency the Lieut. Governor have been got up in the Eastern Section of the Province, chiefly among Emigrants from

the Mother Country, who are wholly unacquainted with the conditions and History of the early class of Settlers to which Your Majesty's humble petitioners belong; which addresses go, in very marked terms to disapprove of the conduct of the House of Assembly on this Question, and have been received and approved of by His Excellency the Lieutenant-Governor, answered and published in the Official Gazette of the Colony, a circumstance which has created the greatest dissatisfaction and alarm in the minds of a large majority of Your Majesty's dutiful and loyal Subjects in the Province.

That Your Majesty's petitioners from their local situation, residing on the United States frontier, and from the loss of their Property, have had ample opportunity, during the late War with that nation, of giving the most satisfactory proofs of their loyalty and attachment to Your Majesty's personal Government, and as Your Majesty has been graciously pleased to express your entire approbation of their conduct in that perilous and unequal contest.

Your Petitioners are emboldened to beseech Your Majesty that Your Majesty may be graciously pleased to hearken to the representations that have been made to Your Majesty on this subject by the House of Assembly, the constitutional voice of the People, and graciously recommend to the consideration of Your Imperial Parliament the peculiar situation of this class of Your Majesty's Subjects so that the full enjoyment of the rights and privileges of natural born British Subjects may be continued to them and Your Majesty's humble petitioners wishing Your Majesty a long happy and glorious Reign, as in duty bound, will ever pray.

District of Niagara, Upper Canada.

461 SIGNATURES.

NOTE C.—No. 6.—REMARKS ON THE ALIEN QUESTION FOR THE CANADIAN FREEMAN.

Archives, Series Q., Vol. 345—1, p. 158.

March 1, 1827.

Alien Question.—Underneath will be found a copy of the petition to the Imperial Parliament against the Attorney General's Naturalization Bill. We think it is entitled to receive the approbation and signature of every liberal minded man in the Province, and the matter it contains must arrest the attention of the home Legislature the instant it comes before them. The honourable Peter Robinson, we hear, is to start for London instantly, in order to put this offspring of political corruption into the hands of its honourable and reverend parent in that city so that it may be clothed with the initials "P. R." before the good people of England can have a fair view of its deformed features. It then behoves the people of this colony to be instant, and not to lose a moment in a case of such vital importance. A few active men, capable of explaining the question, ought to be sent forth to obtain signatures in every corner of the Province, and every leading character, who has not received a printed copy of the petition (of which 1000 copies have been struck off in our office) ought instantly to take a copy from the Newspapers, obtain all the signatures within his reach (to be entered in two Columns) and forward the same forthwith to Mr. Ketchums, in this town, or some other Member of the Alien Committee: This is the proper and constitutional way for the people to protect their rights—this the straight path for them to pursue, & if they will not do so they deserve to fall a prey to the snares of political knaves.

The "Prince of Liars" has given to the public, on last Monday, a common medley of nonsense, falsehood, and misconstruction, in which he takes care to vent his deadly malice upon Mr. Rolph, and to misrepresent both his conduct and his motives; but this man's tales are now so well known, that they have become perfectly harmless. When Mr. Rolph put the alien bill on the order of the day after it was thrown out by the patriotism of the Speaker on the first motion for its passing, he did so with a hope that as the supporters of the measure saw that it met a

natural death in its present shape, they would be candid and honourable enough to allow the bill to be amended in such a way as to meet the wishes and feelings of the people and to set at rest a question that would seem to have arisen at the instigation of satan, to disturb the peace and happiness of this Colony. But Mr. Rolph was mistaken the vultures who had it long in contemplation to fatten on the vitals of a prostrate people were not to be driven from their prey by any sense of candour or of honour and having sent an express as we hear, for an absent member, the bill was pressed through a second third reading, and passed in the very shape in which it had a week before been negatived! This, we think, was contrary to parliamentary usage and to everything Mr. Rolph could have anticipated when he restored the bill to the order of the day. The stupidity of "The Prince" is amazing and his propensity to untruth seems beyond all manner of control. In one place he says—Is the remedy (meaning the Naturalization Bill) commensurate with the feelings of the people interested? Is it considered so by the public?—We say no &c and he goes on to show that he disapproves of it himself, and "would be happy to see every man who bore arms in the late war placed on the same footing as ourselves;" while in another place he says the bill is calculated "to heal every wound," and consummate every wish! "If the bill be not commensurate with the feelings of the people" *Mr. Cuckoo*, and that a majority of them are determined to sacrifice their all rather than comply with its odious and degrading provisions—how can it be calculated, as you say, "to heal every wound, and consummate every wish." Again, in the face of truth and decency, he has effrontery to state that only seven Members were opposed to the bill, when there is the evidence of the debates, and of the journals also to show that twenty opposed it in every stage, until the absence, on account of sickness of Mr. Wilkinson, and the tergiversation of Mr. McBride, reduced the number to eighteen at the second third reading. Again he says he knows the minds of these people are thrown into such a state of agitation, that they are not inclined to reason; and in answer to similar statements by Mr. Rolph, who says the "minds of the people are agitated their feelings tortured, &c.," "This says he *we deny*." The *Cuckoo* then falls into a sort of episode, about his good old grandmother and himself " (heaven bless the pair!) taking a little "Medicine"—(salts we suppose.) This is an idea really worthy of the Observer, and is expressive of that sublimity of thought, and delicacy of expression, which have uniformly characterized his writings—besides, that it throws a vivid shade of comic humour on a grave subject, which relieves the mind, and must produce a pleasing effect, particularly with cultivated female readers such as Lady Sarah, Mrs. Hillier, Mrs. Strachan, Mrs. J. B. Robinson, &c., who we hear, are very partial to the Observer, on account of the grace and elegance of his composition.

On the other hand, *Echo*, in the Gazette, in order to avoid "quackery" gets into "physic" also, and administers "a general remedy to each particular case!" Now between these two political *Sangrados*, and their employers, Messrs. Strachan & Robinson, we think the poor people of this Province are likely to be pretty well physicked before all's over, in case they can succeed in gulling the people here and the home Government into acquiescence in their dark and deep designs. But let the people be united and firm, let them speedily lay their grievances before the Imperial Legislature, and we dread not that they will yet be attended to in such a way as to do justice to themselves and blast the malignant hopes of their enemies. *Echo* plays up the Attorney General's old tune, so loudly piped last year by *Catharus* and others about the Assembly "declaring that to be law, which was not law, and that to be fact which was not fact;" yet neither the Attorney, nor *Catharus*, nor *Echo*, can point out distinctly either the law or the fact, while the poor illiterate backwoodsman is left by the present bill, to judge for himself, and if he errs, the bill robs him both of his right, and of his property! *Echo* says the bill is altogether of an "equitable nature." We say it is just as "equitable" as other measures that have emanated from the same source—where the fountain is corrupt it is in vain to seek pure water. The Attorney General's Naturalization Bill is just as "equitable" as his Road Bill, which was calculated to violate the King's Deed, and to rob a few individuals on the main road of their property, in order to make roads for the

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benefit of the Province at large, well termed by Mr. G. Hamilton "*The Highway Robbery Bill*." It is also as "Equitable" as his Assessment Act, which taxes an acre of wild land in the most remote part of the Province value from 6d to 1s. at the same rate as an acre of land in the most improved and eligible situation, value from £50 to £100! What! Mr. Echo, is it just—is it "equitable"—to reduce the acknowledged subjects of half a century to a level with the alien of last year, when the painful requisitions are to be complied with? Is it "equitable" to compel the men who waded thro' fields of blood and slaughter (many of them without shoes or stockings on their feet) in the late war—men who proved their allegiance at the mouth of the cannon and point of the bayonet—men who sealed the covenant of their allegiance with their blood, and witnessed it by the loss of a leg or an arm—men, had it not been for whose unshaken allegiance and intrepid valour, the British Government would not now possess a foot of ground in Upper Canada, from which to drive an alien—is it "equitable" is it just, we say to compel such men to crouch to an additional attestation of allegiance, among a group of aliens who came in last year many of whom would take the oath and break it for a cake of gingerbread? No—such a motion of justice and "equity" could never enter the mind of any man save some degraded hireling whose ideas of "equity" are governed by the caprice of his employers just as the weathercock is without a fixed point and altogether governed by the passing wind,—we fancy to ourselves that we see a veteran of the *Incorporated Militia* with one arm, and a broken down frame and constitution, standing amidst a group of aliens, before some of the fathers of the alien question in *little* York, with half a dollar in his hand to pay for his certificate—he casts down the brow of a warrior at some plump favourite of office, who, although he ran from the battle of York, sits as commissioner to receive half a dollar for a certificate on a slip of paper, two inches by six—and thus addresses him:—"Sir—had I and my fellow soldiers and fellow countrymen turned our backs upon the enemy without firing a shot as you did, you would not now have it in your power thus to degrade us, by putting us on a level with aliens of yesterday, and requiring new pledges of fidelity to our King and country, which are light as air, in comparison to the pledges we have already given. I, Sir, am forced by the iron hand of necessity to comply with your unjust, unnecessary and degrading requirements, because I have lost that arm in defending my King and country, with which I might earn my bread in a strange land—& this is my reward—But I shall teach my children another doctrine—I shall send them to become citizens of a country in which when they have once been recognized *subjects in war* and discharged the duty of veterans, they will never be called upon to register themselves as *aliens in peace*, at the peril of their all!"—This is the language we would expect to hear from any man of honour or probity.

But the *Cuckoo* (whose reasoning faculties were unable to cope with his "good old grand mother," in her second childhood, says, there are many foreigners in Great Britain who spend the flower of their days in His Majesty's Service, many of whom have served in every clime, and have been wounded in every limb—yet not one of them is allowed to exercise the rights intended by this bill to be conferred on aliens in this Province. In answer we say they have no such claim as the people of this colony, for whose peculiar situation there is no parallel in ancient or modern history. The foreign officers and soldiers alluded to can only be viewed as mercenaries whose profession was that of bearing arms, and who were ready to be employed, wherever best paid, without any view to a settled domicile or the employment of civil rights in any country, but the people of this Province, who are to be affected by the proposed law, came in most of them with a belief that they were at the time natural born subjects, and all, that they were to become subjects and forever to enjoy their rights and privileges as such merely by taking the oath of allegiance and residing seven years in the Province, which conditions only were required from them by the laws and customs of this country. Thus when war was proclaimed, and all aliens ordered to quit the country by a proclamation from the immortal Brock, these people, viewing themselves as subjects, joined the British ranks, not as mercenaries for the pay that they were to receive but as loyal British

Yeomen, volunteering their faithful services in defense of their King, their Country and the rights and privileges which they enjoyed. Shall these rights and privileges be now wrested from them by enactments unworthy the character of such a people enactments got up by the wicked designs of their political enemies? Forbid it heaven. Let them then send forward their petitions without delay—let them pay the half dollar on signing, that was well intended for their certificate in order to defray the expenses of two or three agents—let their case come thus fairly and in good time before the Imperial Legislature, and they have nothing to fear.—The good work has already commenced on Yonge Street where almost every man, we hear, is signing, and some of them, at the York meeting, last week, paid \$5, some \$6 towards the expense.

NOTE C.—No. 7—PETITION AGAINST THE ATTORNEY GENERAL'S NATURALIZATION BILL.

(*Archives, Series Q, Vol. 345-1, p. 169.*)

To the Honorable the Knights, Citizens, and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The petition of the subscribers, His Majesty's dutiful and loyal subjects of British birth or descent or of British American birth or descent, &c., inhabitants of the Province of Upper Canada in British North America,

HUMBLY SHEWETH:

That we your petitioners presuming on the well-known rights of Englishmen, rights in which we ardently desire fully to participate, humbly beg leave to represent, that nothing short of the severest affliction could have driven us to pray for your interference in our behalf. We pass over in silence the many grievances which have long called for redress, and which have continued to increase in this Colony, in defiance of public opinion, though frequently and strongly expressed. But an unhappy policy now spreads a melancholy gloom over the whole face of this country, and threatens a large portion of your petitioners with the annihilation of their most valued and long enjoyed civil right, unless they comply with terms most humiliating to the character they have so long exercised in peace, and loyally supported in war. A large portion of our inhabitants consists of persons who, after the peace of 1783, came, in great numbers, into this Province from the United States of America, with the knowledge, approbation and encouragement of His Majesty's Government.

Most of your petitioners are of that class and have, from the earliest settlement of Upper Canada, been admitted, and uniformly considered to be entitled to all the rights and privileges, and subject, both in peace and in war, to all the duties, responsibilities, and obligations of natural born British Subjects.—Their confidence was not merely reposed in the faith of proclamations—not merely in the prevailing and (until lately) unquestioned construction of the law in favour of their allegiance not merely in the repeated recognition of their rights by the Provincial Legislature, but they believed that the 30th Geo 3d chap 27, passed by the British Parliament expressly for their invitation into His Majesty's North American territories, would infallibly afford them, in the enjoyment of their liberties, a security which no authority, less than a Statute could violate or disturb. In all civil transactions in the Province, they have invariably been considered as British subjects: they have taken and held land by grant, purchase, devise, marriage and inheritance; a very large portion of the cultivated land in the Province either is now held, or has been held, and transferred by them without any question (until lately) of their legal capacity to do so; they have been appointed to various offices of trust and honour under the colonial government; they have cheerfully served in the militia, as well in peace, as in the late war with the United States of America, and many of them have been receiving the British pension since that period in consequence of wounds received in

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that severe and trying conflict; they have continually held seats in the Provincial Legislature and various Provincial Statutes (particularly the 54th Geo III chap 4) have been passed upon the principle that they were, to all intents and purposes, British subjects; they have become connected, in all the relations of social life, with the other inhabitants of the Province & have contributed by their industry and good order to the tranquillity and welfare, & by their acknowledged bravery and loyalty, to the security and defence of the Province. They have proved how justly they appreciate the rights they have so long enjoyed and how fully they are entitled to the confidence, protection, and paternal care of His Majesty's Government, by the fidelity with which they adhered to the Royal Standard in the recent contest, when a powerful enemy penetrated into the heart of our country and laid waste our towns and villages with fire, sword and rapine.

Under these circumstances they fondly expected that His Majesty's Government would never regard them in any other light than as British Subjects; and if from any new discovery in the construction of the law, their long enjoyed civil rights were likely to be questioned in the courts of justice, they had indulged more than a hope that a general law would have been passed, simple and comprehensive, at once establishing their privileges beyond the reach of doubt, and confirming the usage of nearly half a century.

But to their mortification they find, that the Provincial Government have embarrassed the constitutional discretion of the House of Assembly with certain dispatches prescribing the nature of the remedy to be provided, and threatening the refusal of the Royal assent to any measure not complying with these instructions. Under this (as your humble petitioners consider) undue influence, the House of Assembly after a long protracted debate (in which members were equally divided for several days) have at last submitted to pass a Bill under the authority of a late act of the Imperial Parliament conforming to these instructions, imposing on a majority of your petitioners terms distressing to their feelings, ominous to their interests, and wholly at variance with the former instructions of His Majesty's Government upon this subject, as transmitted by Earl Bathurst, and dated 22nd July, 1825. On this bill, as now passed, the members of the House of Assembly, were so long and so equally divided, that there was a tie in the committee of the whole, and a tie in the House for a whole week, during which time, the question for receiving the report of the bill as amended *was four times negatived* by the casting vote of the Speaker, and the question for its passing after a third reading, once negatived in a like manner, yet it was again put on the order of the day, and finally passed, without further amendment.

By this bill, many of your petitioners who have sustained the character of good and loyal British subjects, in this Province, for nearly forty years, are compelled to register themselves as aliens, before they can longer exercise their long enjoyed civil liberties. This provision, your humble petitioners view as most degrading; for although aliens are generally at first regarded with suspicion, in all countries, and subjected to many cautious provisions, resulting from a natural and, perhaps, prudent jealousy, yet, persons who have been recognized as subjects for nearly half a century, enjoyed all their rights and privileges as such, and manfully defended the same in times of peril, cannot but feel ashamed and indignant at the thought that with regard to them such provisions should be deemed necessary or expedient.

The feelings of many of your petitioners are further wounded beyond expression when they are compelled by the proposed law, at the peril of their utter ruin, to come forward in a foreign character and repeat that allegiance which they have already frequently confirmed under oath, and sealed with their blood in defending the province against an invading enemy; and while they thus secure local privileges in Upper Canada, they must acknowledge themselves traitors to their native country, in consequence of having taken up arms against it during the late war.

It is also most humiliating, that when they have thus, as they conceive, degraded themselves, they become British subjects only in Upper Canada, and on entering any other part of His Majesty's dominions, they must under the proposed law resume the character and disabilities of aliens, whilst in the event of travelling through the

United States of America the universal renunciation of allegiance forever covers them with confusion and condemns them as traitors. Thus, wherever they go, they feel themselves pointed at by the finger of scorn, and while His Majesty's other subjects may acquire foreign allegiance, and realize the commercial and other advantages afforded by the same, they are imprisoned, in a manner, in Upper Canada and cannot under the proposed law, enjoy the rights and privileges of British subjects beyond its limits, which wholly excludes them even from a free participation in the contemplated canal navigation between Lake Ontario and Montreal in Lower Canada which is the first market for the produce of this province. In Upper Canada then they are doomed to be registered in a book, to stigmatize them amidst the rest of the community, and to afford to the enemy, upon any future invasion, an index whereby to distinguish those who (according to the municipal laws of the invaders) were fitted only for the gibbet.

At the same time that they register themselves as new-made subjects, they are compelled under the proposed law to renounce for ever all allegiance to every other state or power, which the Honourable the Legislative Council of this Province in their report upon this very question last year, declared to be inconsistent with high feeling, honour and probity, and suited only to the refuse of society.

Finally, while the proposed law, professes to relieve them from their embarrassment, it operates as a severe *penal* enactment: for, every man will be ruined, who from any cause, omits to comply with its provisions. It is impossible for your petitioners to point out the various causes that may lead to this contingency; but one, very likely to occur, in the opinion of your petitioners, will arise from the circumstances that a large portion of the persons liable to the provisions of the proposed law, are the descendants of Germans who are wholly unacquainted with the English language, and having enjoyed their rights and privileges for thirty or forty years in the exercise of their peaceful agricultural pursuits, in a remote and thinly settled country, cannot, at this late period, be convinced of the necessity of complying with such obligations; and should the proposed measure pass into a law in this Province, a great majority of them will not only be deprived of their civil rights by reason of omitting to comply with its provisions; but also be stripped of the very farms which they have so long cultivated.

Your humble petitioners challenge the authorities in Canada to point out anything in their conduct, from the first foundation of the Province up to the present time, which can justify this refined cruelty towards them, and therefore, most humbly pray your honourable House to interfere in their behalf, so that the Royal assent may not be given to the said bill and that your honourable House may be graciously pleased to pass a bill at once confirming the usage of nearly half a century, and clothing without humiliation, your humble petitioners, with those civil liberties which they have long enjoyed, for which they have already fought and bled, and for which they are ready cheerfully to fight again.

And your humble petitioners, as in duty bound will ever pray.

NOTE C.—No. 8.—SIR P. MAITLAND TO LORD BATHURST.

(*Archives, Series Q., Vol. 344-1, p. 46.*)

UPPER CANADA,

YORK, 3rd March, 1827.

MY LORD,—I have the honour to refer to your Lordship two Bills which have been passed by the Legislative Council and Assembly of this Province in their last Session: the one for conferring Naturalization is necessarily reserved for the signification of His Majesty's pleasure, according to the provisions of the Imperial Statute of last year, the other, for confirming titles to real estates derived through Aliens I have also reserved because your Lordship's despatch of the 31st of August last, appeared to require it, and because the object of this Bill is of much importance to the people of the Colony.

Besides the engrossed Copies of these Bills on parchment, I send with this despatch another Copy containing in the margin remarks furnished by the Attorney General, explanatory of some of the Clauses; and I also annex a Copy of Your Lordship's despatch to me of the 31st August, in order that the whole subject may come the more conveniently under one view before Your Lordship.

The bill providing for the naturalization of such persons resident in the Province at the time of the passing of the Imperial Act of last Session as are not now legally entitled to be regarded as His Majesty's natural born Subjects, met with much opposition in the House of Assembly where it was long debated, and at length carried by a Majority of four—no amendments were proposed to it in the Legislative Council.

On comparing its provisions with Your Lordship's instructions to me, which are above referred to, it will be found that there is no material variance between this Bill and the one contemplated by your Lordship as best calculated, in the view of His Majesty's Government, to afford the protection desired. The reasons, and the extent, of any departure are explained in the Attorney General's remarks: and as I am desirous to see this question set at rest, I trust the Bill will appear to be sufficiently in conformity with the sentiments entertained by His Majesty's Government, and that it will be speedily returned with His Majesty's assent.

The urgent necessity for an enactment of this kind is fully known to Your Lordship. The numerous Addresses presented to me last year and communicated to Your Lordship sufficiently shew the disappointment of the people at the obstacles thrown in the way of a desire to substitute an inadmissible declaratory law for the more proper and effectual remedy proposed. They declare also the confidence entertained by the people that His Majesty's Government will persevere in obtaining for them the relief which their situation requires.

Until very lately no contrary sentiment has been expressed to me by any portion of the people.

Before the Legislature met this year, and before Your Lordship's despatch of the 31st of August last had been made public, a petition of which I annex a Copy in this despatch was presented to me. It was signed by many most respectable inhabitants of the Province who have been long resident here, and who pray (as Your Lordship will observe) to be naturalized upon taking the Oath of Allegiance and having their names registered with the Clerk of the Peace, provisions substantially the same as those required by Your Lordship's despatch.

Another petition was also presented during the Session of the Legislature, and after Your Lordship's despatch, communicated by me to the Assembly had been published—Referring to the conditions suggested in that despatch the petitioners express their perfect satisfaction with them, and pray that a Bill may pass in conformity with the declared Sentiments of His Majesty.

Such I am persuaded is the desire of all who have been left to judge for themselves, and I have no doubt that the great body of these people are waiting with anxiety, but with perfect confidence in the Government for the disposal of this measure, which so deeply concerns them.

During the discussion of the Bill petitions were circulated through the Country with great industry, and a number were presented to the Legislature, signed by many persons who had no connection whatever with the measure, and by many no doubt, who were entirely uninformed, or intentionally misled as to the objects of the bill depending and the nature of its provisions. I regret these efforts, which are indeed still continued at the instigation of a few individuals who see with reluctance a question about to be set at rest which they have endeavoured most ungenerously to make the occasion of much clamour and popular excitement. They may lead His Majesty's Government almost to hesitate whether the rights of natural born subjects can with safety or propriety be conferred on persons who seem unwilling to acquire them on such reasonable terms.

But I trust Your Lordship will concur with me in thinking that a remedy which is required and deserved by a large and very worthy portion of our population ought not to be withheld from them on account of the unreasonable opposi-

tion of others who, if they are merely misled in a matter so plain, prove themselves to be the too easy instruments in the hands of bad men, and if on the other hand they do of their own suggestion suspect any design in a measure obviously intended only for their good, must be confessed to have been by no means worthy of the protection which they have ever received from His Majesty's Government. I am led to these remarks by observing in the public prints that great exertions are making to procure signatures to a petition against the confirmation of the Bill. If these efforts should succeed, and if the representations made should be of a character to entitle them to serious attention, and to occasion doubt on the part of Your Lordship, as to the feelings which may have prompted them, I know not how the petitioners could be more justly dealt with than by suffering the bill to go into immediate operation for the protection of all those who desire it, and to exempt from its operations by a short enactment of the Imperial Parliament, all who have by petition expressed their repugnance to it, confirming their titles to lands, and leaving them to apply for admission by private bills to the other rights of natural born Subjects, which bills might be required to be preceded by a recommendation of the Government, and might be passed in such terms as His Majesty might approve.

I do not by any means press a discrimination which would doubtless make the unreasonable opposition of these persons occasion no little inconvenience to themselves, but I suggest it is an alternative far more just and desirable than to allow their opposition to stand in the way of the interests of all those who acknowledge the justice of their Government, and wish to avail themselves at once of the relief provided for them.

Your Lordship will find by recurring to my despatch of the 1st March last on this subject with its enclosures, that conceiving Your Lordship's instructions would have warranted me, and anxious in common with every Member of my Government to afford the readiest and fullest relief upon the most convenient terms. I should have consented last year to a measure for naturalizing all persons settled in this province without regard to their length of residence, without exacting any oath or registry of their names and without any express declaration that their allegiance to a foreign state must be considered or renounced.

To a measure of this kind it is now stated no objection would be entertained, though I know not how much confidence can be placed in such assurances, when it is certain that the same efforts were made last year to render such a Bill unacceptable to the people, as are now employed to prejudice the reception of that which has been recommended by His Majesty's Government.

I now learn that the provisions of the bill against which it is attempted to excite a feeling of dissatisfaction are principally those which the King's Government, upon a review of the whole case, has thought it reasonable and necessary to require, and which although I would (perhaps in Your Lordship's judgement erroneously) have agreed to dispense with them, I cannot but admit are such that they cannot with any show of justice or reason be complained of. They are indeed of that nature that the objections which are unexpectedly urged against them, lead inevitably to a strong conviction of their propriety.

The provisions for registry are made as convenient as possible to the party, and are intended to furnish him without expense with a record conclusive of his right to be regarded as a subject.

The Oath of Allegiance is the ordinary Oath which no one ought to feel repugnance to take, and which indeed many of the persons concerned must have taken already.

The declaration contained in the second clause does but express a sentiment which every person ought to entertain who seeks to be admitted not merely to the capacity of holding property but to the exercise of every political power and privilege.

To object to any of these provisions must appear to His Majesty's Government so unreasonable that I do much regret the effect which the urging such objections may have in giving rise to an opinion unfavourable to the American Class of our population, and in producing the impression that while they claim a right in

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Common with natives of His Majesty's Dominions to partake freely in every Act of legislative and Executive power, they deny the obligation to maintain an absolute, perpetual and undivided Allegiance to the Sovereign.

Such a feeling has indeed been openly avowed by some of those who are most active in prejudicing persons against the Bill, but Your Lordship will readily conceive that if I could suppose it did by any means pervade the mass of the people who have come from the United States, I could never on any consideration have felt myself justified in the endeavour I have made to have civil rights conferred upon them without reserve.

Of these people many have lived from twenty to thirty years in the Province sustaining during that time good characters as peaceful, obedient and loyal subjects. A great proportion of them are of Dutch and German descent; these with Numbers of Quakers, chiefly from Pennsylvania, have formed flourishing Settlements; their industry and steady habits have been conspicuous; their religious scruples have prevented their bearing Arms, but in all respects their conduct generally has deserved the favour and good opinion of the Government. Of the others many were during the last War as active and as devoted to the defence of the Country as any other inhabitants of the Province. With the knowledge of these facts, I regret exceedingly that the busy misrepresentations of a few persons of whose claim upon the Government, but little could be said, should have any tendency to place the great body of these people in any other light than that which a long course of good conduct has deserved.

That during the last war there were exceptions to the meritorious conduct I have spoken of cannot with truth be denied. It was natural there should be, and in no other Country and among no other people similarly circumstanced would it have been otherwise. A knowledge of this fact most probably induced His Majesty's Government, so long ago as 1815, to convey particular instructions to restrain the indiscriminate admission of American Settlers. From this moment began in this Province the agitation of a question which circumstances have not called into discussion in other Colonies—and which I trust will now be finally and at once set at rest.

I beg to call Your Lordship's particular attention to the annexed Copy of a despatch from Your Lordship to Mr. President Smith so long ago as the year 1817, with the report of the Attorney General of this Province upon it: and these documents with the correspondence which has at various times passed on this subject, and particularly my despatch of the 15th March last with its enclosures, in which the progress of this question has been reviewed, will show, I am convinced, most satisfactorily the unwearied attention with which the Government has ever applied itself to the protection of the American Settlers. They will serve also to show that even before the late some decisions in England with respect to the rights of American Citizens, a correct view was taken of their situation by the Government, and every means in their power employed to avert the inconvenience to which they appeared to be exposed.

I will add that if in the bill now passed there is anything which Your Lordship can consider unjust or anything which ought to be looked upon with repugnance by the persons whom it is intended to serve I should rather great inconvenience were suffered than that any such measure should be confirmed, but if Your Lordship sees no reason to believe that the measure recommended by His Majesty and acceded to by the Legislature is either imprudent or improper, it is really of pressing necessity that it should be returned assented to with the least possible delay.

Until this security is afforded the proprietors of real Estates are liable to have their titles questioned, as indeed they have been in Civil Actions, and decisions may pass against them which could not be constitutionally reversed—and the recurrence of a general Election to the Assembly which must take place soon would probably if the matter continues unsettled occasion no small ferment, from the objections which might be raised to the qualifications of Candidates and Voters.

It may throw light upon the character of the opposition which has been raised to this measure when I inform Your Lordship that the bill having after much discussion been rejected in the Assembly in one of its stages, it was, against the vote

of those who had supported it, and upon the motion of the most vehement opposers of it, restored to the order of the day and passed at last without an amendment the latter being evidently unwilling to meet the responsibility they had unexpectedly incurred by endangering the final passing of the Bill.

And it is just towards the people also to state that many have been deluded to sign petitions by the most absurd statements:—They had been told that tithes will follow—that the Government means to take their lands away—And that if they go back to the United States they will be hanged for treason.

The only argument against the measure which appears to me to have any weight is that while it is declared by the Bill that the American Settlers will be deemed to have renounced all Allegiance to any foreign State if they apply for all the privileges of natural born subjects under the proposed Act, they will yet not in truth be on the same footing as natural born British subjects, inasmuch as they will have the privileges of subjects only in the Province.

Of course the Colonial Legislature could confer nothing more, but I should be happy, because I think it just that the Imperial Parliament would pass an Act giving to all persons naturalized in any Colony the rights of Subjects throughout the Empire, with the exceptions specified in the 13, Geo. 2nd, Cap. 7, in respect to the United Kingdom.

If Your Lordship had not been previously made acquainted with the circumstances of the Colony the tenor of this communication might lead Your Lordship to suppose that it is only with respect to Settlers from the United States of America that the provisions of the bill in question require to be considered. But there are, in truth, in the Province many persons who have emigrated from Germany, and many discharged Soldiers of foreign Corps lately in His Majesty's Service, who, having been born Aliens have never been legally naturalized. These persons have not only been received as Settlers by the Government but have been placed and maintained for a time at the public charge upon lands granted by the Crown. If therefore an invitation to become Settlers here could give claim to any description of our Inhabitants not to be made subjects, but to be declared subjects when they are not, as strong a case at least could be stated in their favour as in behalf of those about whom so much discussion has taken place.

That so little occasion has been found to allude to this class of our Inhabitants arises from the fact that they appear to rely with entire confidence upon the kind intentions of the Government towards them. And Your Lordship I am sure will not feel that their situation calls on that account the less urgently for immediate attention.

The whole object and extent of the Bill are apparent and it is scarcely necessary to remark that it makes no change in the law, takes away no persons right, and decides upon no man's case. Any individual who, before the passing of this Act required no law to naturalize him cannot be affected by this Act and has nothing to do with any of its provisions. If, on the other hand, he is not now a subject, he has it in his power to become so with but little trouble and at no charge. And if he is in doubt of his own case the means are before him of overcoming all question, and there seem to be little reason to complain when he may avail himself of these means or decline them at his option.

I have the honour to be, My Lord,
Your Lordship's Most obedient Humble Servant.

P. MAITLAND.

The EARL BATHURST, K. G.,
&c., &c., &c.

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NOTE C.—No. 9.—PETITIONS OF INHABITANTS OF JOHNSTOWN.

(Archives, Series Q., Vol. 344-1, p 84.)

To His Excellency Sir Peregrine Maitland, K. C. B., Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's forces therein, &c., &c., &c.

The Petition of Sundry Inhabitants of Johnstown District.

Humbly Sheweth:

That your Petitioners with many others born in the United States of America emigrated to this Province with the desire of becoming British Subjects, but from their inability to comply with all the provisions of the naturalizing laws of this Province, the right of some of them, together with many others in the Province to be regarded as British Subjects is liable to be questioned.

Your Petitioners therefore pray that Your Excellency will be pleased to recommend to the two Houses of the Legislature to pass a general Act (in conformity to the late imperial law authorizing them to do so) naturalizing all persons whatsoever now resident in this province who were born in the United States of America, who shall within twelve months after the passing of such Act, enrol their names in a book to be provided and kept for that purpose by the Clerk of the Peace in each and every district, which name such Clerk of the Peace shall be required to enrol upon the production of a certificate of a Commissioner for taking the Oath of Allegiance, that such applicant has taken and subscribed such Oath or that in case no such general act shall be passed, we humbly request that Your Excellency will be pleased to recommend a private one naturalizing your petitioners upon the same terms, and your petitioners as in duty bound will ever pray.

Signed by J. K. Heartwell and sundry other persons.

NOTE C.—No. 10.—JONATHAN SEWELL ON THE ALIEN BILL.

(Archives, Series Q., Vol. 345-2, p. 315.)

CONNAUGHT SQ.,

3rd June, 1827.

SIR,—I have had the honour to receive your letter of 2nd Inst enclosing the Upper Canada Alien Bill and desiring me to point out any objections which the most sensitive colonist ought to have against it.

I am too little acquainted with the state of Upper Canada to venture any but the most general observations. It is stated in the petition to Parliament that the question for receiving the report of the Bill as amended was four times negatived by the casting voice of the Speaker, and that the question for its passing after a third reading was once negatived in a like manner, that it yet again was put on the orders of the day and finally passed, if the matter here stated be fact the Bill of course must be disallowed.

According to the preamble, the Bill comprehends all persons who are born in the late Colonies now the United States of America, and left them at any time after the Peace of 1783, so that the Loyalists who emigrated from the States at that period, who were born British Subjects, and continued faithful in their Allegiance during the whole of the Rebellion, are thus declared to be Aliens, which, the state of Upper Canada considered, appears to be impolitic.

This Act appears also to be at variance with the Act of George III, which naturalises all foreigners after seven years residence in the Colonies upon Certain conditions and with 30th Geo III, cap 27, by which persons resident in the United States are encouraged to become Settlers in the Colonies as British Subjects.

I may add that the Act may have many retroactive effects as to persons and property which merit consideration.

I have the honour to be sir

Your most obedient servant,

J. SEWELL.

NOTE C.—No. 11.—NATURALIZATION BILL AS INTRODUCED BY MR. ROLPH.

(Archives, Series Q., Vol. 345-2, p. 330.)

Whereas there are many persons resident in this Province holding lands and enjoying civil rights therein, whose rights and titles are questioned; and whereas it is expedient that all such persons should be confirmed and quieted in the possession of their estates and the enjoyment of their civil rights:—Be it therefore enacted &c.—That all persons domiciled in this province shall be, and are hereby declared to be His Majesty's lawful subjects; and shall within this province have all the rights, privileges, and legal capacities of natural born subjects of His Majesty, and shall be deemed adjudged & taken to be such, to all intents, constructions and purposes whatsoever as if they and every one of them had been, or were, born within this province; and that no estate of any kind or nature, purchased, inherited or acquired by, or granted or descended to them, or any of them, in this province, shall be subject to forfeiture, avoidance or impeachment of title, on the ground of their having been Aliens.

And be it, &c.—That all persons who have at any time heretofore been resident in this province or possessed of or claiming to be entitled to any real estate whatsoever therein by grant thereof from the Crown, or otherwise, shall be considered and adjudged to be, and have been, natural born subjects of His Majesty, so far as respects their capacity to take, hold, claim, recover, convey, devise or transmit such real estate; and that neither their title nor claim to any such real estate, nor the title or claim of any person or persons claiming the same under them or any of them, by assignment, purchase, descent, devise or otherwise, shall be liable to be forfeited, defeated or in any manner impeached on the ground of their being, or having been aliens.

Provided nevertheless, and be it, &c.—That this Act, or anything therein contained shall not operate, or be construed to repeal or affect the act of the Provincial Legislature, passed in the 54th year of the reign of His late Majesty King George the Third, entitled "An Act to declare certain persons, therein described Aliens, and to vest their Estates in His Majesty;" or to annul any proceeding under that act, or any act in addition thereto; nor to repeal or interfere with any act of the Provincial Legislature prescribing the qualifications of persons entitled to be elected or to vote in the election of members of the Provincial Assembly.

Provided also, and be it, &c.—That if any alien now resident in this Province shall within six calendar months from the passing of this act, by a writing under his or her hand and seal executed in the presence of two subscribing witnesses, one of whom shall be a justice of the peace, signify his or her desire of not being included in the number of those affected by this Act, and shall cause the same to be registered by the clerk of the peace in the district in which he or she may reside (and which such clerk of the peace, upon the payment of two shillings lawful money of Upper Canada, is hereby required to enter in a book to be by him kept for that purpose, a certified copy of which registry he shall give, if required, to such Alien upon payment of the like sum) then such alien, upon the registry of his written signification as aforesaid, shall thereupon cease to be included in or in any manner affected by, this act, or anything herein contained, as fully as if the same had never been passed.

1818
January 6,
Treasury.
1824.
January 22,
Quebec.

January 22,
Quebec.

January 22,
Quebec.

February 2,
Quebec.

February 3,
Quebec.

February 17,
Quebec.

STATE PAPERS, LOWER CANADA.

GOV. LORD DALHOUSIE, LT.-GOV. FRANCIS BURTON, 1824.

Q. 168—1.

1818
January 6,
Treasury.Harrison to Goulburn. Enclosed in Dalhousie to Wilmot Horton
of 3rd February, 1824.1824.
January 22,
Quebec.

Dalhousie to Wilmot Horton. Calls attention to the claim by Upper Canada for a proportion of the duties in accordance with the expenditure. The danger of acceding to this claim as it would lead to an emulation between the two provinces in regard to the expenditure. Page 1

Enclosed. Hale to Cochran, 3rd September, 1823. The claim of Upper Canada to a proportion of duties in accordance with expenditure and not in proportion to the estimated consumption in each province of the articles on which duties are levied. Sends papers relative to the subject.

January 22,
Quebec.

Dalhousie to Bathurst (No. 156). Recommends that the claim of the Royal Institution for the advancement of learning to the ground, &c., devised by McGill for a college be supported by government if the case should come to appeal.

January 22,
Quebec.

The same to the same. Sends information as to the value of Crown reserves which vary from six dollars to half a dollar an acre. The conditions of cultivation, &c., in the grants are as imperative as they can be made, the difficulty of escheating was owing to the nature of the laws; has asked the legislature to amend these.

February 2,
Quebec.

Dalhousie to Wilmot Horton. In reference to letter from the Duke of Wellington respecting surplus and unserviceable surplus stores of Ordnance, he had disposed of them in the manner most conducive to the public benefit. By letters from the secretary of the Ordnance these sales were sanctioned.

February 3,
Quebec.

Same to the same. Sends memorandum respecting the water communication between Upper and Lower Canada by the La Chine and Grenville Canals. The memorandum errs in stating that one of the canals is in Upper Canada, both being in Lower Canada. Description of the works. For the La Chine Canal, the legislature voted in 1823 £12,000 in addition to the £46,000 and it was expected there would be a further vote of £20,000. Urges the Government to proceed with the Grenville Canal; its importance; the benefit it has already produced, a steamer running from the head of the canal to Hull every second day during summer.

Enclosed. Memorandum, unsigned, relative to the water communication between Upper and Lower Canada.

Harrison to Goulburn, 6th January, 1818. If the legislative authorities in Canada will provide for half the expenditure on the La Chine Canal, the Treasury will not object to sanction payment of the rest.

Report of the progress made with the Grenville Canal for the year 1823, signed by du Vernet.

February 17,
Quebec.

Dalhousie to Wilmot Horton. Has received copy of instructions from the Treasury relative to the Receiver General's affairs. Sends report of a committee of the Assembly with final resolution of the House on

1824. the subject. Shall proceed in the manner pointed out in the last dispatch. Sends also a copy of resolution on another subject which has caused alarm. Page 2
- Enclosed.* Proceedings of the legislature of Lower Canada, resolutions and petitions against granting the free navigation of St. Lawrence to the United States. 30
- February 27, Dalhousie to Wilmot Horton. Sends receipt for bill drawn in favour of Noah Freer. 31
- Quebec. *Enclosed.* Power of attorney and receipt. 32
- February 27, Dalhousie to Bathurst. Sends joint address from the Council and Assembly of Lower Canada respecting an illicit trade in goods from China and India along the whole frontier of the United States, suggesting methods of supplying the inhabitants with such goods by arrangements with the East-India company or by direct importation. 33
- Quebec. *Enclosed.* Joint address. 34
- February 27, Dalhousie to Bathurst. The uncertainty that exists as to the importation of certain goods from the United States. Had released goods seized by the Customs officers. Requests that steps may be taken to have all uncertainty removed as to whether the goods can be imported in American bottoms as was the case formerly. 37
- Quebec. *Enclosed.* Report of the committee of Council on the seizure of certain American boats at Montreal for an alleged breach of the navigation laws. 40
- February 27, Dalhousie to Bathurst. Transmits memorial of merchants for a reduction of the duty charged in the United Kingdom upon tobacco of colonial growth. 49
- Quebec. *Enclosed.* Petition of those interested in the trade between Upper and Lower Canada for a reduction of the duty on colonial grown tobacco. 50
- The names of the petitioners are attached.
- February 27, Dalhousie to Bathurst. Requests that the mandamus prepared for de Beaujeu as a member of the Legislative Council be cancelled, he being unable from ill health to take the seat. 54
- Quebec.
- February 27, The same to the same. Transmits petition from Mr. Girouard, a priest, for letters patent for a seminary in a country parish in the district of Montreal and recommends compliance with the request. 55
- Quebec. *Enclosed.* Petition (in French) for letters patent for the erection of a seminary in St. Hyacinthe in the county of Richelieu and district of Montreal. 56
- March 6, Dalhousie to Bathurst. Has brought the question of increasing the pensions of Chief Justice Monk and Judge Ogden before the legislature, but is afraid the recommendation has been rejected. In consequence of the death of Judge Chipman, thinks the appointment of Uniacke, Attorney General in Quebec, would be of benefit to the country and not unacceptable to him (Uniacke), but he has not consulted him. 62
- Quebec.
- March 10, The same to the same. Transmits memorial from the Legislative Council praying that the part of Labrador detached from Lower Canada may be reannexed. 64
- Quebec. *Enclosed.* Memorial of the Legislative Council of Lower Canada, stating that up to 1809 the Labrador territory to Hudson's Straits was annexed to Lower Canada. The disadvantages of the transfer that then took place, amounting to a denial of justice, tending to produce great and serious impediments to trade, etc. The petition prays for a repeal of the Act 49 George 3, chap. 27, so far as that Act annexes the coast of Labrador and various islands to the island of Newfoundland. 65
- March 10, Dalhousie to Bathurst. Transmits memorial from the Legislative Council of Lower Canada respecting the claim made by the United States Government to the free navigation of the St. Lawrence. He

March 10
Quebec.March 10
Quebec.March 10
Quebec.March 22
Quebec.April 6,
Quebec.May 18,
Quebec.

8a

1824.

agrees with the Council and earnestly recommends consideration of the memorial. Page 70

Enclosed. Memorial of the Council expresses alarm at the claim of the United States for the free use of the St. Lawrence contrary to the recognized law of nations. 71

Dalhousie to Bathurst. Sends address and resolution of the Legislative Council respecting the embarrassments which impede the Government of the province. 75

Enclosed. Address of the Legislative Council on the continued embarrassments of the Executive Government by the refusal to grant supplies, with prayer that a remedy may be supplied for the evils experienced. 78

The same in French. 79

Journals of the Legislative Council in relation to bills sent from the Assembly and rejected. (These are from the journals of the 17th, 18th and 20th March, 1823). 82

Journal of 6th March, 1824, in continuation of the same subject. 108

Dalhousie to Bathurst. Transmits address from the Assembly on the claims of the members of the Church of Scotland and of Protestant dissenters from the Church of England and Scotland for a provision for their ministers out of the lands allotted for the support of a Protestant clergy. 118

Enclosed. Address by the Assembly in favour of the Clergy &c. of the Church of Scotland and of dissenters from the Church of England and Scotland. 119

The same in French. 125

Dalhousie to Bathurst. Sends copy of his speech at closing the session of Assembly. Has given up hope of inducing the House of Assembly to forego its unconstitutional pretensions; the question must be left to the wisdom of the Imperial Parliament. Applies for authority to use the unappropriated money for the salaries and contingencies of the various departments and that he be also authorized to pay back the sums advanced from the military chest. Sends various addresses and calls special attention to that from the Council on the present state of the province as it speaks the sentiments of all that is respectable in the country. 132

Enclosed. Speech at closing. 136

Note of the services of the Canadian Voltigeurs and provincial Dragoons. 141

Dalhousie to Bathurst (No. 168). Sends and recommends memorial from W. Hamilton Merritt for half-pay to himself and two officers of the provincial Light Dragoons. 143

Enclosed. Memorial. 145

Certificate by Harvey, Deputy Adjutant General, of the services of the Dragoons and of Merritt who commanded. 148

Other papers. 150 to 154

Dalhousie to Bathurst (No. 169). In reference to the removal of the garrison of Drummond Island to the falls of St. Mary, he has been offered by the agent of the Hudson's Bay Company the whole of the buildings there, which offer he has accepted. Sends a specification of the buildings. The company has also offered some small pieces of ordnance, field guns and small arms; recommends their purchase. 155

Enclosed. Dimensions and state of the buildings in 1823. 157

A memorandum follows of the answer to Dalhousie respecting the purchase of ordnance and the establishment at the falls of St. Mary. 158

Dalhousie to Bathurst (No. 170). Reports the arrangements to settle the differences between the censitaires of La Salle and the patentees of

March 10,
Quebec.

March 10,
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March 10,
Quebec.

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Quebec.

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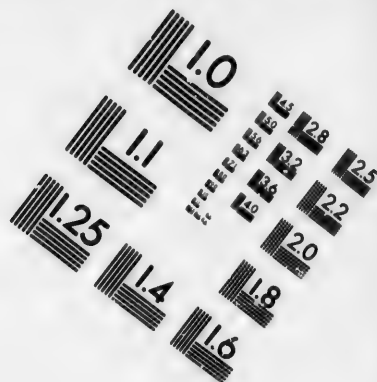
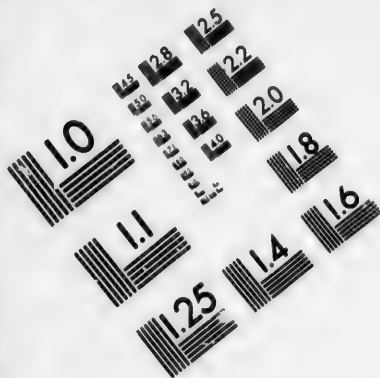
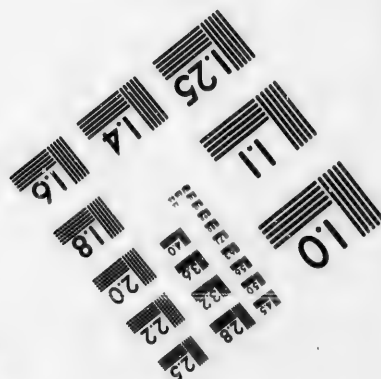
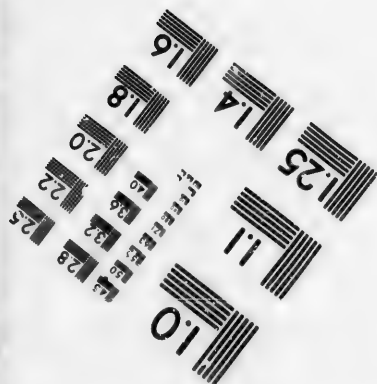
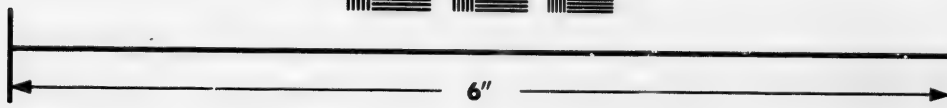
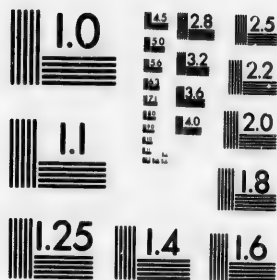


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1824.

- Sherrington. The danger of a similar difficulty in Upton and how the matter may be remedied. Page 163
- May 18, Quebec. Dalhousie to Bathurst. Recommends that the class of settlers which Robinson proposes to bring should be stopped as the expense would be a waste of money and a serious mischief to the Canadas. 169
- Enclosed.* Complaints of the magistrates of the district of Bathurst of the riots that have taken place by settlers brought out by Honourable Peter Robinson; a force of regular troops necessary to restore order. 171
- Marshall to Dalhousie. Reports the riots in Ramsay and the steps taken to put a stop to them. 175
- May 31, Quebec. Dalhousie to Bathurst (No. 171). Transmits address from the Assembly on the subject of the defalcation of the late Receiver General. 179
- Enclosed.* Address in English. 180
- The same in French. 184
- June 4, Quebec. Dalhousie to the Privy Council. Sends transcript of the proceedings of the Executive Council on matters of State. 189
- June 4, Quebec. The same to Bathurst (No. 172). In consequence of letter from Maitland he feels authorised to take advantage of the dispatch from the Duke of Portland in order to relieve the province of Upper Canada by payment of the sum awarded by arbitrators. Part of the money has been lost in the defalcation of the late Receiver General. The difficulties in the way of settlement. Has decided to issue the amount from the military chest as the alternative to refusing payment. 190
- Enclosed.* Maitland to Dalhousie. The burden on Upper Canada and necessity he feels to press for a settlement of the arrears. 192
- June 4, Quebec. Dalhousie to Bathurst (No. 173). Sends report of proposals by Caldwell of a method of paying off his deficiencies. Asks for further instruction. 193
- Enclosed.* Extract from report of a committee of Council on the defalcation of Caldwell, late Receiver General. 195
- Caldwell to Dalhousie. Sends proposals for meeting the deficiencies in his accounts with schedule of his property. 198
- Schedule 201a
- Memorandum explanatory of Caldwell's proposals to Dalhousie for the liquidation of the balance due by him. 202
- Report of committee of Council on Caldwell's proposals, showing the amount available and the balance thereafter due, for the payment of which no security is offered. 206
- Caldwell to Dalhousie. How it is proposed to supply the wants of government and to liquidate the debt due by him (Caldwell). 213
- June 4, Quebec. Dalhousie to Bathurst (No. 174). Sends return for 1822 of revenue, expenditure, civil establishment, &c., of the province. Is compelled to send it less perfect than he could have wished. 215
- June 4, Quebec. The same to the same (No. 175). Sends transcript of the proceedings of the Executive Council on matters of State. 216
- June 5, Quebec. The same to the same (No. 176). Sends reports, &c., of the legislature respecting fees taken at the custom house. Has had an examination made and sees no reason to suppose that the collector has been guilty of misconduct. Sends the papers from the legislature to which he directs attention. 217
- Enclosed.* Resolutions of Assembly respecting the collection of fees. 219
- The same of the legislative Council. 221
- Extract from the journals of the Council respecting fees, containing resolutions. 223
- Report of the special committee of Council on the petition of the merchants and ship owners of Quebec respecting fees. 227 to 248

GOV. LORD DALHOUSIE, LT. GOV. FRANCIS BURTON, 1824.

Q. 168-2.

1824.

June 6,
Quebec.

Burton to Bathurst. Sailing of Dalhousie from Quebec by which the administration has devolved on him (Burton). The difficulties and embarrassments render his situation not an enviable one, but hopes by His Lordship's assistance to diminish the difficulties. The Canadian population is loyal and well disposed, although certain ardent spirits in the Assembly have been able to oppose with success the wishes of government, but even these may be brought to unite in supporting the prerogatives of the Crown and the real interests of the people. Page 334 (The letter is not dated, Dalhousie's last letter from Quebec is dated 5th June).

Burton to Bathurst. Transmits letter from Dr. Hackett, health officer at Quebec, whose case he recommends. 336

Enclosed. Dr. Hackett to Bathurst. Had been appointed and held the office of health officer to the port of Quebec up till May, 1822, when his name was erased owing to the difficulties raised by the Assembly in providing for the civil list and not from any impropriety on his part nor the utility of the office called in question; the same cause still operates as when the Duke of Richmond made the appointment, when he was induced to give up a lucrative practice on the assurance that the appointment would be permanent, but he is now left destitute. Begs for the re-establishment of the emoluments (as he still holds the commission) either on the allowance granted by the Duke of Richmond or on the commuted allowance made during part of Dalhousie's administration. The necessity for the appointment as 12,000 settlers arrive annually, besides other passengers and sailors; sends letter from the head of the medical department of the army to show the necessity for the office. 337

Deputy Inspector of Hospitals to Harvey. Several cases of smallpox have been imported by settlers from Europe. Is anxious to have an efficient plan adopted to prevent the introduction of that or other contagious diseases. 342

The same to Dr Hackett. Sends extracts from letter to Sir James McGregor on the subject of the health officer. The disagreements in the province make it impossible to prevent the introduction of smallpox; all that can be done is to keep it from the troops. The mischief arises from the discontinuance of the health officer. The diseased state of the emigrants allowed to land and to carry disease to almost every village. His sense of the urgency of the matter has led him to call the attention of the authorities to the subject. 344

Burton to Bathurst, (private). The inadequacy of his salary to enable him to live suitably to his appointment. On the recommendation of Richmond a salary was voted by the legislature of £2,500 and £500 for the rent of a furnished house, out of the unappropriated money in the hands of the Receiver General. It is not a forced construction that the Crown reserves are relieved from the charge, so that he may be excused for asking for a further increase from the revenues of the Crown. Submits the propriety of his receiving the additional salary of £2,500 out of the permanent fund as granted to Sir Robert Shore Milnes, under authority of the late Duke of Portland, the secretary of State in 1800; the price of every article of life is higher now than then. 346

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July 3,
Quebec.

1824.
July 3,
Quebec.

Burton to Bathurst (No. 2). Transmits the proceedings of the Executive Council on land matters. Page 349

July 5,
London.

Dalhousie to the same. The only difference of opinion in the legislature is in respect to the bill of supply and some means should be taken to put an end to it. Shall give his own views at the proper time. Could the cause of difference be removed, there is not a more prosperous or contented part of the Empire than Lower Canada. 249

Enclosed. Address of the Magistrates, &c., of Quebec to Dalhousie and his answer. 252

Address from Three Rivers and answer. 257

Address from Montreal. 261

Memorandum on various subjects relating to Lower Canada. (1) The Roman Catholic church. (2) Encouragement of Schools for the Catholic population. (3) The subdivision of the province into counties, townships and parishes. (4) The survey of ungranted lands. (5) The state of the district of Gaspé. (6) The want of a colonial or government vessel. (7) A better communication by road with New Brunswick and Nova Scotia. (8) The removal of doubts as to the application of French or English laws where the lands have been granted in free and common soccage. 265

July 9,
London.

Dalhousie to Bathurst. Recommends Mr. Toussaint Pothier to be appointed to the Legislative Council, in room of Mr. de Beaujeu, who has declined to take up his mandamus. 270

July 9,
London.

The same to the same. Sends petition on behalf of the Royal Institution for the advancement of learning. The request that a salary be given to the secretary he had no means of complying with, but is sensible of its justice. 271

Enclosed. Petition of the Royal Institution. 272

Minute of meeting of the Royal Institution at which it was decided to apply for a salary for the secretary. 275

Extract from a letter from Bathurst to the Lord Bishop of Quebec that the Duke of Richmond had been authorized to found a college at Montreal. 277

Minute of meeting of the Royal Institution respecting a salary for Dr. Mills, as secretary. 278

July 19,
Quebec.

Burton to Bathurst. (No. 3). The failure of the legislature to provide for the civil expenditure. Statement of the obligation to this effect taken by the legislature with deductions from the statement. 350

List of warrants not signed by Dalhousie. 357a

August 20,
Aberdeen.

Dalhousie to Bathurst. The salary of the Health Officer was dropped on the decided refusal of the charge by the Assembly. The salary is greater than the duties, although the office might be useful if the quarantine laws were amended. 280

August 21,
Quebec.

Burton to the same. (No. 5). Sends duplicate of Dalhousie's dispatch No. 144, with copy of the memorial of the Royal Institution for a grant from the Jesuit estates. 358

Enclosed. Dalhousie to Bathurst. (No. 144). Transmits memorial and address from the Royal Institution to obtain the means of carrying into effect the bequest of the late Mr. McGill. Recommends the object, but with respect to the provision it suggests to be made from the Jesuit estates had distinctly stated that though he had no objection to grant the institution once more aid from the Jesuit estates, he could hold out no encouragement of a permanent provision from the revenue of the estates. 359

Memorial referred to. 361

August 30,
Dalhousie
Castle.

Dalhousie to Bathurst. In respect to salary to the Secretary of the Royal Institution, it cannot be derived from the Jesuit Estates as suggested, but must be paid from an annual vote by Parliament. The

1824.

revenue of the Jesuit Estates is already insufficient for the demands upon it. Intends to bring the subject before His Lordship on his return to London.

Page 282

Enclosed. Memorandum respecting the Jesuit Estates, the revenue, expenditure, &c.

284

August 31,
Dalhousie
Castle.

Dalhousie to ———. Is ready to come to London when called on.

287

September 10,
Dalhousie
Castle.

The same to Wilmot Horton. Cannot afford the information as to how an increase of salary was paid to the Lieut.-Governor during the absence of the Governor; the reports of the Executive Council or the official correspondence should show this.

288

September 16,
Dalhousie
Castle.

The same to the same. Approves of the appointments consequent on the retirement of Chief Justice Monk. Is not aware of any thing to detain Mr. Stuart or Mr. Ogden in England.

290

September 26,
Dalhousie
Castle.

The same to the same. Has received copies of letters to and from Haldimand & Sons. Knows of no advance made by them to Caldwell; certainly none with his sanction.

291

September 29,
Dalhousie
Castle.

The same to the same. Shall be with him by the 24th of October. Mr. Cochran, secretary, is the most suitable person to give information about Caldwell's affairs.

292

October 1,
Dalhousie
Castle.

The same to Bathurst. Cannot give his sanction to the appointment of Lieut. Colonels Cockburn and Harvey to be commissioners to fix the price of lands in Upper Canada. It is a civil matter and military officers are unfit persons for such employment.

293

October 10,
Dalhousie
Castle.

The same to Wilmot Horton. Repeats his statement that he had given no sanction to advances made by Messrs. Haldimand to Caldwell, but gives some particulars respecting Gregg, an agent for Messrs. Haldimand.

295

October 17,
Dalhousie
Castle.

The same to the same. Shall defer coming to London till he hears further. The general union of the provinces is impracticable, but that of the Canadas is simple and necessary to their prosperity.

298

October 19,
Dalhousie
Castle.

The same to Bathurst. In respect to the appointment of Lt. Colonels Harvey and Cockburn, he has no wish to object to His Lordship's views. Having written candidly feels justified now in ready obedience to His Lordship's decision.

299

October 31,
Dalhousie
Castle.

The same to the same. Sends letters of importance. Asks that the decision be sent by Cochran, the Secretary.

300

October 31,
Dalhousie
Castle.

The same to ———. Desires a decision whether Cochran is to remain or to return to Canada where his presence is much wanted officially. Cochran was sent from Canada to explain the position of affairs in respect to the accounts of the Receiver General which he knew thoroughly. Owing to the sitting of the Legislature, he was delayed until he came with him (Dalhousie). The affairs of the Receiver General have been arranged by the Treasury, but other points demand serious attention.

(1) The existing system of laying accounts before the legislature and Treasury. (2) The claims for arrears between the province and the Treasury. (3) The course to be pursued between the two branches of the Legislature. Urges the serious consideration of the points. The result of the election shows that government will have no more influence in the next Parliament than it had in the last. Cochran's information should be made use of. At the same time it is desirable he should be in Canada.

301

November 1,
Dalhousie
Castle.

Dalhousie to Bathurst. Calls attention to the discussions that have taken place in the Roman Catholic Church in Lower Canada over the nomination by the Roman Catholic Bishop of certain persons to be Vicars General, with the title of Bishops, *in partibus*. The publications

1824.

on both sides have been transmitted on 19th December, 1823. It is desirable the question were decided by instructions to the Governor, either that these persons should hold the titles and honours or that the Roman Catholic Bishop be notified that the titles and honours of Bishops are not approved of, and that the claims of these persons are to be restricted to the authority and title of Vicars General already authorised.

Page 304

November 1,
Dalhousie
Castle.

Dalhousie to Bathurst. Had been authorised personally to submit his proposal to grant to the Roman Catholic Church a Royal Institution under an Act of the provincial legislature for the superintendence of schools and education of youth. The Roman Catholic Bishop had been offered a seat at the Board of the Royal Institution, existing under the School Act of 1801, but he had always refused on principle. Is satisfied that a separate institution applicable to the education of the Catholic population would be of great advantage to the country without the risk of interference with the present institution. Had recommended it only on condition that it should be precisely similar in respect to control with the present institution. Should the recommendation be approved an opportunity would be afforded to recommend to the legislature the granting a suitable salary to the Secretary of each institution. 306

A memorandum on the letter follows that Stuart had expressed himself decidedly against the measure as giving a decided advantage to the Roman Catholic establishment in Canada. 308

Memorandum giving the opinion of Stephen; the particulars as to the scruples of the Roman Catholics should be sent; they should be removed if possible as the establishment of two separate systems of school education would cause inconvenience. 309

November 15,
Quebec.

Burton to Wilmot Horton. The sum of £50 paid to Wilkins by order of 17th April had been previously paid him. Had explained the mistake to Wilkins, but it appears it is not in his power to refund the sum in question. 368

Enclosed. Wilkins to Montizambert. Was innocent of the mistake of the duplicate payment of £50 as he expected a similar payment. Is uneasy that he cannot return the money, but he has written to a friend in England to correct the error. 369

November 15,
Quebec.

Burton to Bathurst (No. 6). Sends requisition for stationery. 370

Enclosed. Requisition. 371

November 15,
Quebec.

Burton to Bathurst (No. 7). Sends petition from Hamilton, collector at Sherbrooke, on the subject of the emoluments of his office. 374

Enclosed. Extract from report of the committee for auditing the public accounts, on the account of Hamilton, collector at Sherbrooke, 26th June, 1824. 375

The same 18th September. 378

(Details are given in both, of the amounts received by the collector as remuneration.)

Memorial of William Hamilton, collector at Sherbrooke. 384

Statement of duties collected at Sherbrooke from 21st June, 1821 to 5th July, 1824, showing the allowance to the collector. 388a

November 15,
Quebec.

Burton to Bathurst (No. 8). Irvine appointed arbitrator on behalf of Lower Canada to settle the proportion of duties to be paid to Upper Canada. The arbitrators could not agree and had not selected a third, the naming of whom, therefore, falls to the King. 389

Enclosed. Report of James Irvine, arbitrator on behalf of Lower Canada. 391

Statement to the arbitrator for Upper Canada. 394

Reply of the arbitrator for Upper Canada. 396

November 15,
Quebec.

Burton to Bathurst (No. 9). To obtain information of the charges to which the navigation and commerce of Great Britain are liable in the

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Dalhousie

Castle.

1824.

colonies, had called on the collector and comptroller of customs, the naval officer and harbour master for a statement from each which he encloses.

Enclosed. Statement by the collector and comptroller of the fees taken at the custom house, Quebec. Page 397

Instructions from the board at Halifax to the collector and comptroller at Quebec respecting the fees to be charged, dated 22nd September, 1812. 398

Collector and comptroller to the board in answer, dated 19th August, 1813. 403

Commissioners of customs, London, 17th October, 1814. The question of fees is under consideration; the practice is to be governed by direction of the commissioners at Halifax till further orders. 405

Collector and comptroller of Quebec to searchers. They have been taking larger fees than authorized; they are not to charge more than is contained in the items of which schedule is sent. 409

List of regular fees. 410

Notice respecting fees for extra service at Quebec. 415

Collector and comptroller to searchers at Montreal, respecting complaints of over charges on fees. 416

Schedule of fees. 418

Notice respecting fees for extra service at Montreal. 423

Similar documents were sent to the searcher at Three Rivers. 425

Table of fees taken by the officers of customs at Halifax, Nova Scotia. 426 to 433

Statement of the harbour master of Quebec of fees charged on vessels. 433a

Statement of fees by the naval officer. 434

November 15. Burton to Bathurst (No. 10). Sends journals of Legislative Council and exemplifications of the Acts passed last session. 435

November 15. The same to the same (No. 11). Sends opinions of counsel, &c., in the case in appeal of Isaac Manning and Alexander Phelps against N. C. Burton from a judgment respecting a quantity of oak and pine cut on the seigniories of the latter. 436

Enclosed. Opinion of Elie de Beaumont, Target and Rouchet, dated 14th February, 1767. 437

December in the court of appeal July term, 1818. Burton and Phelps. 439
November 15. Burton to Bathurst (No. 12). Sends petition from the Hurons of Lorette complaining of having been wrongfully dispossessed of the seignior of Sillery. Four chiefs have been appointed agents to proceed to London with a duplicate of the petition and notwithstanding his efforts they persist in going. 455

Enclosed. Petition to which the signatures are attached. 461
November 15. Dalhousie to Wilmot Horton. Trusts that the perusal of letters will justify him for sending them. Recommends strongly the Rev. Mr. Twining for the appointment to the vacant church; his abilities, acquirements, &c. 463

Enclosed. Twining to Dalhousie. Has applied for the vacant charge of St. Paul's, Halifax, and encloses documents in support of his application. 310

Memorial from the church wardens, vestry and parishioners of St. Paul's parish for the appointment of Rev. John Thomas Twining to the charge of missionary in Halifax in room of Rev. Dr. Inglis. 312

The signatures are attached. 314
November 24. Dalhousie to Wilmot Horton. In reference to the dispatch of Burton, the salaries of the officials were not paid as no appropriation bill was passed. There is no doubt the legislature will ultimately sanction these charges to be in the

1824.

salaries; in the meantime the Secretary of State might authorize payment out of any available fund. Page 322

December 4,
Quebec.

Burton to Bathurst (private). Not having heard in answer to his private letter about salary, hopes that his issuing a warrant in his own favour for half of the salary of Dalhousie during his absence may be sanctioned. 478

December 9,
Quebec.

Burton to Bathurst (No. 14). Sends petition from the chief justice and judges of the Court of King's Bench that their commissions be granted to them during good behaviour. The number of Crown cases makes this desirable, as giving more confidence in the courts. 480

Enclosed. Petition. 482

December 9,
Dalhousie
Castle.

Dalhousie to Bathurst. Applies for extension of his leave of absence. 324

December 10,
Dalhousie
Castle.

The same to the same. Has received circular respecting uniform to be worn by the governors and superior officers asking for a list of those entitled to wear it. As the inquiry is by circular, thinks that Burton, now acting as governor, may have answered it, he would feel a delicacy in making nominations. 325

December 11,
Dalhousie
Castle.

The same to the same. In reference to the application of Roebuck, advises the continuance of the policy of refusing to grant to individuals islands in the St. Lawrence even on lease. 326

December 11,
Dalhousie
Castle.

The same to Wilmot Horton. Apologises for not having acknowledged receipt of documents. 328

December 19,
Dalhousie
Castle.

The same to Bathurst. Has received the objections to a corporation for the superintendence of Catholic schools in Lower Canada; shall press the subject no further. His sentiments in regard to the power and influence assumed by the Roman Catholic clergy in Lower Canada; it only requires an order from His Majesty's Government to establish the authority of the Crown over the clergy of that persuasion and so to put an end to the division among them. So far from thinking that the power has slipped away, he was urging that the governors resume those powers which are the prerogative of the Crown by the laws of France and which were exercised by the Kings of France up to the day when Canada was surrendered. The present Bishop trying to gain an independent influence; it is not too late to resume the reins and a most respectable class of that clergy are anxious His Majesty's Government should do so. Asks His Lordship to peruse Chaboillez pamphlet. 329

December 19,
Dalhousie
Castle.

The same to the same. Approves of the separation of the Catholic see of Quebec from that of the Upper Province; Mr. Macdonald (Macdonell) is a most fit person to be advanced to that charge; cautions His Lordship against the proposal of the Catholic Bishop of Quebec to resign in favour of M. Lartigue. The arrangement is unadvisable, especially in favour of the person named. Entreats His Lordship to refuse it as tending to create division in the Catholic Church of the Lower province. 331

December 24,
Dalhousie
Castle.

The same to Wilmot Horton. Has received letter forwarded from Burton that the arbitrators in Canada could not agree on a third. The judicious selection by Lord Bathurst of Ward Chipman to be the third. 333

PUBLIC OFFICES, 1824.

Q. 169.

1822.
August 21, Quebec. Dalhousie to Harrison. Enclosed in Harrison to Wilmot Horton, 4th May, 1824.
1823.
May 30. Memorandum relating to quit rents in New South Wales. Enclosed in Hill to Wilmot, 12th April, 1824.
- November 6, Quebec. Turquand to Harrison. Enclosed in Harrison to Wilmot Horton, 14th February, 1824.
- November 23, Quebec. Dalhousie to Harrison. Enclosed in Harrison to Wilmot, 10th April, 1824.
1824.
January 7 Treasury. Herries to Wilmot Horton. Orders have been sent to the Commissioners of Customs to forward a box of dispatches to Lord Bathurst arrived from Lower Canada and to forward boxes with dispatches that may arrive for any of the Secretaries of State. Page 145
- January 9, Lincoln's Inn. Opinion of Counsel (Stephen) on the claims of the clergy of the Church of Scotland to a share of the Clergy Reserves, which he conceives to be a question simply and exclusively of a political nature. If Bathurst desires to give a portion to the Scotch Clergy, he ought to have an opinion from the law officers. 91
- January 15, Whitehall. Hobhouse to Wilmot Horton. Sends petition from Miss Fitzsimons for a free passage to North America for herself, her mother and sisters for Bathurst's decision. 74
Enclosed. Petition. 75
Note from Miss Fitzsimons transmitting the petition. 77
- January 20, Quebec. Dalhousie to Harrison. Enclosed in Harrison to Wilmot Horton, 4th May, 1824.
- January 26, Foreign office. Planta to Wilmot Horton. Asks for duplicates of the chart relating to the survey of Barnhart's and Long Sault Islands to be sent to the commissioners in America. 24
- January 29, Treasury. Harrison to Wilmot Horton. In reference to the claim of Colonel Fitzgerald for extra pay whilst commanding the Montreal district, it does not appear to be sanctioned by existing regulations and it would not be expedient to comply with the colonel's request. 146
- February 9, Foreign office. Planta to the same. Has received letter with petition from John Brown complaining of the conduct of George Manners Consul at Massachusetts, relative to the brig "Zodiac". As the case of that vessel is before the Admiralty Court, the charge against Manners should be left to its decision. 25
- February 12, Ordnance. Fitzroy Somerset to the same. Sends memorial from Andrew Smith late gunner in the Artillery for a passage for himself and family to North America. 117
Enclosed. Memorial. 119
- February 14, Treasury. Harrison to Wilmot Horton. Transmits copy of letter from D. C. General Turquand respecting an issue of £3,180, 18.6d. sterling to the Receiver General for Lower Canada, to be laid before Bathurst, the Lords of the Treasury having frequently called attention to such issues and their objections to them. 147
Enclosed. Turquand to Harrison, 6th November, 1823. Reports the issue of warrant by Dalhousie for £3,180.18.6. sterling in favour of Caldwell, Receiver General, and sends copy of warrant. 148

1824.
February 19, Board of Trade. Lack to Wilmot Horton. Acts passed in 1821 transmitted for consideration are to be left to their own operation. Page 9
- February 19. The same to the same. Acts passed in 1822 (numbered 414 to 426) are to be left to their own operation. Some communication should be made to the Governor of Lower Canada on numbers 416 and 419 founded on remarks on Mr. Stephen's reports. 10
- February 20, Albany. Thompson to Barclay. Enclosed in Planta to Wilmot Horton.
- February 20, Albany. Barclay to Thompson. Enclosed in Planta to Wilmot Horton.
- February 24, Albany. Barclay to Canning. These and the two preceding entries were enclosed in Planta to Wilmot Horton, 11th June, 1824.
- February 27, Lincoln's Inn. Opinion of Counsel (Stephen) to the Treasury on the legality of remitting duties raised under 3 George IV. caps. 44 and 45. "It appears to me that the duties in question cannot legally be remitted to England, but must be applied to such purposes as may be directed by the General Assembly of the province." Argument follows in support of the opinion. 95
- February 27, Lincoln's Inn. The same on the resolution of the Assembly of Lower Canada for the reimbursement of duties sent to England by the Collector of Customs, is of opinion that the duties in question are at the disposal of the Colonial legislature, but not being aware of the reasons that led the Collector to remit the money to England, cannot venture to express an opinion that his conduct has been illegal. 98
- March 1, Lincoln's Inn. Opinion of Counsel (Stephen) in respect to the steps that may be taken against Caldwell, Receiver General. 100
- March 4, Foreign Office. Planta to Wilmot Horton. Reminds him of application for a second copy of survey of Barnhart's and Long-Sault islands. 26
- March 6, Quebec. Darling to Respective Officers. Enclosed in Byham to Wilmot Horton, 25th June.
- March 9, Treasury. Harrison to Wilmot Horton. The Lords of the Treasury have no information that would call upon them to direct any different division of the revenue raised in Lower Canada, than that determined by the arbitrators, and therefore think it inexpedient to give any specific directions. 149
- March 9, Foreign Office. Londonderry to Barclay. Enclosed in Planta to Wilmot Horton of 26th August, 1824.
- March 10, New York. Barclay to Canning. Enclosed in Planta to Wilmot Horton, 11th June, 1824.
- March 15, Treasury. Harrison to Wilmot Horton. Letter from the Clerk of the Council laid before the Lords of the Treasury, with petition from Isaac Manning and Alexander Phelps against N. C. Burton, respecting a quantity of pine and oak timber. Transmits all the papers to him and asks that all the information available may be sent. 151
- March 18, Quebec. Respective Officers to Darling. Enclosed in Byham to Wilmot Horton, 25th June.
- March 19, General Post Office. Freeling to Wilmot Horton. Considerations on the question of the American packet going in the first instance to New York; these are more for the decision of government than of the Post Office. The people of the provinces would not be satisfied with the delay of their correspondence, &c. 191
- March 23, Admiralty. Cockburn to Wilmot Horton (private). Sends Sir Isaac Coffin's memorial. If what he asks can be done, he has some claim for the assistance he gives in the House. 1
- March 29, Navy Office. Navy Board to the same. Mrs Fitzsimmons (Fitzsimons elsewhere) and her three daughters may be accommodated with passages on board the "Arethusa." 144

182
April 3,
MontrealApril 5,
AdmiralApril 5,
QuebecApril 7,
TreasuryApril 10,
AdmiralApril 10,
TreasuryApril 12,
QuebecApril 12,
TreasuryApril 13,
WhitehallApril 21,
AberdeenApril 23,
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1824.
April 3,
Montreal.

April 5,
Admiralty.

April 5,
Quebec.

April 7,
Treasury.

April 10,
Admiralty.

April 10,
Treasury.

April 12,
Quebec.

April 12,
Treasury.

April 13,
Whitehall.

April 21,
Aberdeen.

April 23,
Quebec.

April 24,
Admiralty.

April 28,
Admiralty.

April 30,
Ordnance.

W. McGillivray to Darling. Enclosed in Byham to Wilmot Horton, 25th June.

Croker to Wilmot. In reference to the application for duplicates of the surveys of Barnhart's and the Long Sault Islands in the St. Lawrence, he (Croker) does not know what surveys are alluded to. Page 2

Darling to Respective Officers. Inclosed in Byham to Wilmot Horton, 25th June.

Harrison to Wilmot Horton. The Lords of the Treasury see no objection to the allowance of £75 per annum being given to one of the provincial collectors of customs. 152

Barrow to Wilmot Horton. Asks for a license for Charlton & Dixon to cut timber, they having entered into a contract to provide Canadian red pine timber for the dock yards. 3

Harrison to the same. The Lords of the Treasury concur in the view taken by Bathurst of the importance of the work of water communication in Canada. Sends copies of Dalhousie's letter; the Lords of the Treasury sanction the expenditure. 153

Enclosed. Dalhousie to Harrison, 17th December, 1823. There not being time to apply for the sanction of the Lords of the Treasury, he had bought land for a depot at the mouth of the Rideau, which he hoped the Treasury would approve of. 154

Respective Officers to Board of Ordnance. Enclosed in Byham to Wilmot Horton, 25th June.

Hill to Wilmot Horton. Returns the papers respecting the quit rents in New South Wales and the observations of Robinson on extending the same measure to Canada. There is not much argument against the proposition, but if the quit rents are not collected they will be lost to the public. If quit rents are established it is necessary to abandon reservations? Quit rents give a small present revenue; reservations a large future revenue. Hopes that the reservations for the Church will not be abandoned. 156

Enclosed. Memorandum relating to quit rents in New South Wales, 30th May, 1823. 157

Hobhouse to Wilmot Horton. Sends copy of patent appointing Dr. Mountain Bishop of Quebec. 78

Dr. Mearns to Bathurst. Transmits memorial from the General Assembly of the Church of Scotland relative to the condition of the Presbyterian clergy and people in the North American provinces. 193

Enclosed. Memorial. 194

Dalhousie to Wellington. Enclosed in Byham to Wilmot Horton, 25th June.

Barrow to Wilmot Horton. Asks for license for Thomas Wood for leave to cut timber to supply a contract for deals for the Navy Board. 4

The same to the same. Sends certified copy of the contract entered into with Messrs. Charlton & Dixon. 5

Hardinge to the same. Sir George Murray will meet him at any time and converse with him on the subject of the enclosed. 120

Enclosed. Murray to Hardinge, 30th April. Was never up the Chambly, but as well as he can recollect he was of opinion that the Isle aux Noix should be the frontier post. If the Americans through stress had erected posts in unsettled places they might move them back. "A very defective post is generally a real disadvantage to the party possessing it." 121

Wilmot Horton to Hardinge. The plenipotentiaries for treating with the United States desire information respecting a fort at Rouse's Point, erected by the Americans, but which is situated within the British line as prescribed by treaty, and whether it is of importance to British interests in Canada. 122

1821

April

Memo. on Rouse's Point by G. Mann.

Page 123

Memorandum from the Society for the Propagation of the Gospel. The importance of the question of education in Lower Canada. The Roman Catholics have seminaries or colleges at Quebec, Montreal and Nicolet, whose regulations are so interwoven with the rules and ceremonies of the Romish church as to close them against Protestants, who have no college in the province where their youth can be educated. This evil can be met only by the establishment of a collegiate institution, and there is so strong a feeling that the late James McGill bequeathed property to the amount of £16,000 to found a college, on condition of assistance to complete the work being given by Government. Application is therefore made for assistance from the property originally assigned for educational purposes. 215

May 4,
Treasury.

Harrison to Wilmot Horton. Sends copies of two letters from Dalhousie respecting the disposal of the ground at Fort Wellington, no longer required for the public service. 159

Enclosed. Dalhousie to Harrison, 21st August, 1822. The purchase of ground in the township of Augusta on which Fort Wellington is situated. The price with interest has been paid since the heir came of age for which he had granted a warrant. Will probably recommend the sale of the land and buildings. 160

Dalhousie to Harrison, 20th January, 1824. Refers to letter of 21st August, 1822, respecting the payment for the land at Fort Wellington. Has now sold the greater part of the property, reserving the spot where the blockhouse and redoubt are erected and three other small lots for which no offer was made. Terms of the sale. 162

May 5,
Treasury.

Harrison to Wilmot Horton. As requested, the Treasury has directed their solicitor to support the cause of the Royal Institution for the advancement of learning in an appeal before the Privy Council. 164

May 10,
Admiralty.

Barrow to the same. Sends certified copy of the contract with Thomas Wood. 6

May 10,
Somerset
Place.

Huskisson to the same. Calls attention to the accompanying paper. He had recommended Enderby and Mellish to call. 12

Unsigned paper calling attention to the danger of Sir Isaac Coffin's plan of colonizing the Magdalen Islands with American subjects, as in event of a war they would have possession of the islands to help their countrymen. 13

May 10,
Glasgow.

Memorial of merchants of Glasgow concerned in the North American trade, for the removal of hardships they suffer under the Corn Laws. 15

May 20,
London.

Smith, secretary to Hudson's Bay Company, to Wilmot Horton. Sends map of North America on which are laid down the latest discoveries. 199

May 28.

Commander in chief to Sir H. Taylor. Asks to be informed of the decision as to the stationing of the 2nd battalion of the 60th, that subsequent arrangements may be made. 7

June 4,
London.

Merchants to—. Remarks on the hardships to Canadian merchants of the competition to which they are now subjected by opening the market in the West Indies to foreign supplies of flour. 19

June 7,
London.

Memorial of the Society for the Propagation of the Gospel, stating the exhausted state of the finances, enclosing tables, and applying for additional government assistance to prevent the society from becoming extinct to the great injury of the North American provinces. 217

Enclosed. Account of the receipts and expenditure of the Society. Table showing the present and the proposed establishment of the Society in British North America. 221a 221b

June 10,
Treasury.

Harrison to Wilmot Horton. Sends letter to the Lords of the Treasury from Messrs King & Son, enclosing copies of appeals depending before the Privy Council, for Bathurst's consideration. 165

Page 123
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1824
June 11.
Foreign
Office.

June 25,
Ordnance.

June 25,
Lincoln's Inn.

July 1,
London.

Planta to Wilmot Horton. Transmits two dispatches from Anthony Barclay, boundary commissioner, the one relating to Barnhart's and the Long Sault islands, and the other to the boundary which intersects the Lake of the Woods. Page 27

Enclosed. Anthony Barclay to Canning, 24th February, 1824. Explains the effect on the navigation of awarding Barnhart's island to the United States with map. 28

Inquiries addressed to David Thompson, surveyor, by Barclay, in reference to the channel mentioned in letter to Canning. 33

Answer by David Thompson. 35

Barclay to Canning. Observations on the boundary line under the Treaty of Ghent, enclosing a plan of the Lake of the Woods. 39

Plan. 46a

Byham to Wilmot Horton. Sends correspondence respecting ordnance and stores belonging to the North-west Company offered to be disposed of to government. Asks that the correspondence be laid before Bathurst, who is requested to state what measures he thinks desirable to be taken respecting the ordnance, &c. 124

Enclosed. Respective Officers to Board of Ordnance, 12th April. Sends correspondence respecting the ordnance and stores now at the Falls of St. Mary belonging to the North-west Company. If stores had to be sent there the carriage would be more than their intrinsic value. 126

Darling to Respective Officers. Refers for opinion letters from William McGillivray respecting ordnance and small arms now at the establishment of the North-west Company at Fort William, whether it would be advisable to accept the offer of these stores. 127

Wm. McGillivray to Darling, 1st March. Refers to conversation with Dalhousie and offers for sale ordnance and small arms now at Fort William. List at end of letter. 128

Respective Officers to Darling, 18th March. Cannot enter in to negotiations with McGillivray. Can only report to the Board of Ordnance such information as they can obtain. Recommends Mr. Keating port-adjutant and a sergeant to value the pieces. 131

Darling to Respective Officers, 5th April. W. McGillivray has been called upon for specification of field guns at Fort William on receipt of which they are to correspond with the Board of Ordnance, as it is desirable government should be possessed of the guns. 133

Specification has been received since writing. 134

W. McGillivray to Darling, 3rd April. Specification of ordnance at Fort William. 135

Inventory. 137

Dalhousie to Wellington, 23rd April. Recommends the acquisition of the ordnance at Fort William, the valuation of which he ordered to be made. 139

Opinion of Counsel (Stephen) on the proposal of Sir Isaac Coffin to settle people from Massachusetts on Magdalene Islands and his application for an order in Council for that purpose. A number of persons described as French refugees from the islands of St. Pierre and Miquelon have been long settled on the island without disturbance and it will be difficult to dispossess them. No order in Council is required for settling the others, but they being presumably aliens, would be incapable of holding land or of being owners of British shipping and be subject to the restraints imposed on aliens by provincial statutes, which cannot be relieved by Order in Council. 103

Hamilton (S.P.G.) to Wilmot. Asks for written statement of the proposed variation in the arrangement for the management of the society for the propagation of the Gospel. The uneasiness felt by the Clergy of the provinces at the proposed change, as they are afraid it

- 1824.
- July 2.
Laughton. would be productive of injury to the respectability of the body as the same cautious investigation could not be expected into the character and attainments of candidates. Page 222
Hamilton (S.P.G.) to Wilmot. As he cannot submit the propositions for a fortnight, writes lest the delay in answering might occasion surprise. 224
- July 10,
Whitehall. Lack to Wilmot Horton. The directors of the East India Company have arranged to send tea direct from China to the North American colonies, probably to Quebec. 22
- July 15,
Foreign office. Planta to the same. Sends copy of note from the United States Minister asking that British jurisdiction would be withdrawn from certain islands in the St. Lawrence for Bathurst's information and consideration. 48
Enclosed. Note from Richard Rush, United States minister, 13th July. 49
- July 16,
London. Hamilton (S.P.G.) to Wilmot Horton. Acknowledgment of the receipt of communication relative to the pecuniary embarrassment of the society. Every information will be sent of the state of the present clerical establishment in the North American Colonies. 225
- July 21,
London. Memorial of the Society for the Propagation of the Gospel, giving a statement of its operations with tables. 226
Enclosed. Table A. List of Stations in Upper Canada. 237a.
Table B. Proposed additions. 237b.
Table A for Lower Canada. 237c.
Table B. Proposed additions. 237d.
Table A for Nova Scotia. 237e.
Table B. Proposed additions. 237f.
Table A for Newfoundland and Prince Edward Island. 237g.
Table B. Proposed additions on the same sheet.
- August 4,
Treasury. Herries to Wilmot Horton. In reference to his (Horton's) letter of 8th March, transmits copy of the report of the commissioners of Customs on certain duties remitted to Britain. 166
Enclosed. Report. 167
(See also p. 84 of this volume.)
- August 7,
Treasury. Herries to Wilmot Horton. Memorial of W. H. Merritt has been received from Dalhousie, praying for half pay for him and his officers of the Provincial Light Dragoons. No half-pay can be given to the officers of such corps generally; any who may have been permanently injured in the exercise of military duty may have their cases specially considered. The terms on which the Voltigeurs were raised to whom half-pay has been granted to be sent to the Treasury. 169
- August 26,
Foreign office. Planta to the same. Sends copy of dispatch to Barclay approving of his course respecting the boundaries, and this approval includes the award of Barnhart's Island to the United States which has been the subject of correspondence. 51
Enclosed. Dispatch to Barclay dated 9th March, 1822, approving of his proceedings respecting the boundaries. 52
- August 27,
London. Hamilton (S.P.G.) to Wilmot Horton. Will wait upon him with the reply of the Society on Wednesday, 1st September. 238
- August 30,
Aud. Office. E. Stewart to Wilmot Horton. Synopsis of Davidson's views of the amount Caldwell, Receiver General, can pay annually to reduce his debt. 200
- August 30,
New York. Buchanan to Planta. Enclosed in Planta to Wilmot Horton of 4th November. 200
- August 30,
Hastings. Planta to Robert Wilmot. Transmits letter with enclosures from Stratford Canning recommending consideration to petitions of Mary Neil Lawrence, setting forth her claims to land granted to her grandfather in Canada. 55

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1824.
August 31,
Treasury.

Herries to Wilmot Horton. Sends report from the Commissioners of Customs in reference to Dalhousie's letter respecting duties remitted to England by the Collector of Customs. The Collector is to be allowed to retain 2½ per cent of the amount of duties collected, subject to a further reduction if the increased amount without a corresponding increase of trouble should make that appear expedient.

Enclosed. Report stating that the duties were paid to the Receiver General and that it was the account of the duties and not the duties themselves that it was complained was sent to England. The charge of 5 per cent for collecting the duties was allowed by a warrant dated 1777, but no rate was fixed by the Act 3, George IV. Cap. 88, although a charge for collecting was distinctly recognized.

September 13,
Treasury. Harrison to Wilmot Horton. Have the sums amounting to £4,63111s. charged by Robinson, late commissary-general, for secret service been accounted for to the satisfaction of Bathurst?

September 14,
Treasury. The same to the same. Before expressing an opinion on the proposed purchase of a house for the residence of the Lord Bishop of Quebec, the Lords of the Treasury desire to know out of what funds it is proposed to be paid.

September 18,
Treasury. The same to the same. The Lords of the Treasury desire to have Bathurst's opinion on the propriety of confirming the grant of a pension of £10 a year to Louis Vincent late an Indian Schoolmaster.

September 27,
Treasury. *Enclosed.* General order for pension of £10 to Louis Vincent. Lushington to Wilmot Horton. Sends copy of letter from the deputy of the Receiver general of Droits of the Admiralty relative to arrears of those at Quebec and desires to know if such claim has been presented to Bathurst.

Enclosed. James H. Kerr to G. F. Hampson. Shall delay pressing the claim for the droits in the registry of the Court of Vice-Admiralty until an answer has been received to Burton's letter to Bathurst, or until he again hears from him (Hampson).

Hampson to Harrison. Transmits copy of letter from his deputy at Quebec. Is at a loss to understand the claim to arrears made by other parties. Sends paper explanatory of the Court minutes applicable to the adjudication of the property in question.

Schedule of the property in the Court of Vice-Admiralty, Quebec.

October 11,
London. Hamilton (S. P. G.) to Bathurst. Re-arrangement of mission stations consequent on the promotion of Dr Inglis to the See of Nova-Scotia.
October 18,
London. Roth to Planta. Enclosed in Planta to Wilmot 22nd October, 1824

October 19,
Lincoln's Inn. Stephen to Wilmot Horton. Transmits draught of proclamation for carrying into effect the provisions of the Act 3 George IV., cap. 119, sec. 31 and 32, but as the proclamation relates to French law, asks that it be referred to the Attorney General of the province for his revision and correction.

Enclosed. Proclamation of the manner in which the tenure of land may be changed from seigniorial to free and common socage payable for a sum of money as a commutation for fines, &c., and such other conditions as may be imposed. How feudal obligations are to be removed from censitaires and others.

October 20,
Treasury. Harrison to Wilmot Horton. Sends copy of report from the Treasury solicitor respecting certain cases of appeal before the Privy Council and asks if Bathurst has received the information desired from Dalhousie.

Enclosed. Report from the solicitor to the Treasury that the appeal of Isaac Manuing and Alexander Phelps has been adjourned on the ground

1824. that Dalhousie has been written to for information and that the answer was expected at no distant period. Page 184
- October 22. Planta to Wilmot Horton. Asks that steps be taken to get information relative to the property of a person named Davy, who died sometime since at Quebec. 56
- Foreign office. *Enclosed.* Roth, Secretary of the French embassy to Planta 18th October. For the act relating to the death of Charles Davy and information as to his heritage. 57
- October 25. Opinion of Counsel that the duty on wine imported into Canada is not a new duty, but a modification of an already existing duty. 80
- Serjeants Inn. *Enclosed.* Dalhousie to Bathurst. Transmits address from the Assembly relative to the reimbursement to the province of duties levied under the Act of the Imperial Parliament 51 Geo III., cap 51. 83
- Commissioners of Customs to the Treasury. The duty in question not being a new duty, but a modification of an old duty, the amount has been properly remitted to the Treasury by the Collector at Quebec. 84
- Resolution of the House of Assembly, Quebec, praying that the duties remitted to England by the Collector of Customs, Quebec, be reimbursed to the province. 86
- October 30. Garry, Deputy Governor, Hudson's Bay Company, to Bathurst. The boundary line proposed by the United States, if acceded to, would cut off communication between one part and another of the Hudson's Bay territories. The communication of the greater part of these territories and of the whole of the other Indian territory which is necessary for the conveyance of merchandise and intelligence to and from the company's trading stations would be entirely cut off. The settlement of the boundary at the 49° westward of Lake of the Woods. Desirableness of having an agreement that portages on whichever side of the boundary line they may be should be free to the people of both countries. 202
- London. The same to Wilmot Horton. Asks for an interview between him (Horton) and Pelly, S. McGillivray and himself (Garry) if he wishes to obtain information respecting the boundary line. 207
- October 30. Planta to Wilmot Horton. Sends dispatch from the Consul at New York. 58
- Foreign office. *Enclosed.* Buchanan to Planta. Has had no remuneration for forwarding 5,000 British subjects to Canada. Asks for a grant of land there as some of his sons are going to the province. 59
- November 8. Hamilton (S.P.G.) to Wilmot Horton. If the answer to the memorial is delayed beyond Friday the 19th, the further postponement till Monday 13th of December will be of no material consequence to the society. 241
- Loughton. Freeling to Wilmot Horton. The dispatches for British North America arrived at Falmouth too late for the packet. As instructed, they have been sent to Liverpool to be forwarded. Instructions have been given to the agent at Falmouth that the packets are not to sail without Bathurst's dispatches. 208
- November 12. Law Officers to Bathurst. The duties in existence at the time of the cession were only modified, being appropriated for defraying the expenses of the administration of justice and the support of civil government in the province, subsequent legislation does not affect the destination of the money raised under the original Act or its modifications, nor can provincial legislation change the provisions of the law. 87
- Office. Freeling to Wilmot Horton. Sends letter from the post master at Liverpool, respecting the disposal of the bags of dispatches for North America too late for the packet at Falmouth. 209
- November 13. *Enclosed.* Banning, post master at Liverpool to Freeling. Reports how he disposed of the dispatches. 210
- Serjeant's Inn. Harrison to Wilmot Horton. The proposal made for the payment of the debt due by Caldwell, Receiver General, to the public, does not secure
- November 17. General Post Office.
- November 18. Treasury.

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1824.

its payment. Caldwell should not be restored to his office of Receiver General, but the necessary steps should be taken to secure to the public the whole of his property which can be made available for payment of the debt, to be brought to sale at such times as may be most advantageous to the public, a report to be made of the steps taken. The property which he alleges to be available to meet the debt is illusory, so far as the claim for £45,471 9s. 3d. against the Legislature is concerned. The salary of £500 might be considered inadequate were no other profits attached to the office. There are objections to public officers deriving part of their emoluments from the use of public money but they cannot apply for remuneration in any other shape particularly when by mismanagement or speculation the property has been wasted. Reasons why the property bought by Caldwell's father should be taken possession of for payment of the debt.

Page 186

November 22,
General Post
Office.

Freeling to Wilmot Horton. Sends further letter from the post master at Liverpool respecting the dispatches for North America. 212

Enclosed. Banning to Freeling. Delay in sailing of the "Albion" on board of which it was intended to put part of the dispatches for North America. The "Meteor" sailed yesterday, on board of which were put the dispatches for Upper Canada. 213

November 23,
London.

Return of the Indian presents shipped from the London Military depot. The first shipment was on 13th September, 1823; the last on 3rd September, 1824. 140a

December 14,
Foreign office.

Planta to Wilmot Horton. Has received letter enclosing opinion of the Hudson's Bay Company as to the line of boundary through the Lake of the Woods. The letter and enclosures, referred to the Advocate General, whose report is enclosed for Bathurst's information. 61

Enclosed. Report of the Advocate General on the boundary papers submitted to him. 63

Barclay to Canning see p. 39. Memorandum on the article in the treaty of Ghent respecting the boundary through the Lake of the Woods. 68

J. H. Pelley, Governor of Hudson's Bay Company, to Canning, 24th November, 1824, respecting the boundary line at the Lake of the Woods. 71

(The plan is at p. 46a.)

December 18,
Windsor.

Order in Council appointing James Reid an honorary member of the Executive Council. 8

December 27,
Ordnance.

Griffin to Wilmot Horton. Sends copy of account of arms, &c. issued from the ordnance stores at Montreal to regiments of militia in that district. 141

Enclosed. Return. 142

December 28,
London.

Hamilton (S.P.G.) to Wilmot Horton. Acknowledges receipt of answer to memorial of 23rd July. The committee regrets that the time is not considered to have arrived for an increase to their funds. The society, will expend an additional part of their capital this year as the consideration of the memorial is delayed. 242

MISCELLANEOUS 1824.

Q. 170-1-2-3.

- (Part 1 is paged from 1 to 243; part 2 from 244 to 482; part 3 from 483 to 716.)
1823.
February 27,
Falcon Square
E. A. Talbot to Bathurst. Has been deputed by respectable families in the South of Ireland who are desirous of emigrating, to obtain information respecting the intentions of government for the ensuing Spring. Is engaged in printing a large work on the subject, and is interested in the question, as well for himself as for others. His father took out a number of settlers to Canada in 1818, who all settled according to contract. Sends a series of questions as to the intentions of government respecting lands. Page 663
- June 7,
London
Not signed. To the Anglican Bishop of Quebec. Follows Bishop to Bathurst, 15th June, 1824.
- September 8,
Cheltenham.
C. Stewart to Wilmot Horton. Enclosed in J. Stuart to Wilmot Horton, 28th November, 1824.
- December 22,
Fort William.
Customhouse certificate. Enclosed in Downie to Bathurst 4th February, 1824.
1824.
January 1.
Substance of a conversation between Dr. Stewart, and Wilmot Horton, respecting the Jesuit Estates, the clergy reserves and the St. Sulpice estates. 523
- January 2,
London.
Dr. Stewart to Wilmot Horton. His letter sent from Cheltenham on 8th September, contains the best information he has respecting the Jesuit and Sulpician estates and the necessitous situation of the Royal Institution in Canada. Transmits statement relating to contributions in aid of building churches in Canada which he asks to be submitted to Bathurst. 527
- Enclosed. Statement respecting the "Church in Canada" showing the amount contributed to the support of the Church, the disposal of the funds and a list of subscribers. 529
- (The list of subscriptions begins at page 537.)
- January 3,
Dublin.
Memorial from Rev. Isham Baggs for information respecting employment, free passage, &c., to British America. If these advantages are offered would accept as a minister of the established Church and go there with his family. 17
- January 5,
Glasford.
Rev. H. Hough to (Wilmot Horton?) Was desired in May 1823 to apply again on behalf of persons desirous to obtain free passage to Canada. In compliance with this desire now renews the application. These persons have had very encouraging letters from their friends in Upper Canada. 386
- January 5,
Arisaig.
Archibald Macniven to Bathurst. Has for three years been providing for passengers to British North America. There are thousands who can advance nearly the cost of their passage but could not defray the expense from hence to where they can obtain government land. Has seen a letter that emigrants would be provided with passages from Quebec to Montreal and thence to their destination. Will poor people on their arrival be accompanied the same as those mentioned in the letter? 420
- January 7,
London.
J. Francis Bouchette to the same. Had left his father's house in hopes of obtaining employment in London, would take any employment so as to make his own living, but will not return to Quebec. 19

1824.
January 12, London. Gillespie, Moffatt & Co., to Wilmot Horton. Sends extract from message of the President of the United States respecting trade with Canada. Asks if it is intended to consent to an alteration of the Acts 3 George IV., chapters 44 and 119, as a change in favour of the Americans would produce a ruinous reduction in Upper Canadian products. Page 336
- January 15, London. Dr. Stewart to Wilmot Horton. Thanks for his kindness for transmitting to Lord Bathurst the paper respecting Churches in Canada and to Bathurst for his donation. 545
- January 19, Monaghan. Anne Croane to Bathurst. Desires information as to the executors under the will of a relative who died in America. 221
- January 23, Dublin. J. E. T. Burton to the same. Presses for an answer to an application from the Rev. T. E. Burton for grants of land to his eight orphan children. 21
- January 24, New Ross. Charles Tottenham to Bathurst. The town of New Ross entitled to a share of money granted by Parliament for emigration. The orderly conduct of the inhabitants although suffering from want of employment. Their desire to take advantage of the offer of emigration. 661
- January 26, Colony. Michael Curran to the same. Asks His Lordship to forward letters to his son, he (Curran) being too poor to pay the postage. 222
- January 26, London. Judge Ogden to Wilmot Horton. Applies for extension of leave of absence as he has an opportunity of sending to Canada the document granting it. 463
- January 28, Roscrea. Draper to Bathurst. Are free passages granted this year to emigrants for Canada? What encouragement is to be given to such as pay their passage? 283
- January 29, London. Bishop Macdonell to Wilmot Horton. Has left two letters. When can he have an interview on the subject of them? 422
- February 2. Congreve to—Introduces his young Canadian friend Beaubien, whom he is most particularly anxious to serve. 223
- February 3, Winchelsea. Henry Powell to Bathurst. Thanks for allowing him till July, 1825, to proceed to Canada. Asks that the 800 acres granted to him may be surveyed at the same time as the land purchased by his son at Prescott. 473
- February 4, Monaghan. Anne Croane to Bathurst. Thanks for kind and welcome letter. Who are the chief executors of the will of the late William Croane? 224
- Certificate of same date by John Blakley, minister, and Alexander King, ruling elder at Monaghan, that the registry of marriages had been lost on the death of the late minister, but that Croane and his wife were in church fellow-ship up to the day of Croane's death and that their children were baptised and married by the late minister which could not have been the case had the marriage not been regularly celebrated and duly established. 225
- February 4, London. Downie to Bathurst. Donald Cameron has sent a petition signed by some respectable gentlemen of his (Downie's) neighbourhood to be laid before the House of Commons. As he does not think that would do any good, sends petition to His Lordship, hoping that he may be able to suggest something for Cameron's benefit. 284
- Enclosed. Petition from Cameron supported by magistrates and others. 285
- Customhouse certificate that the "Earl of Dalhousie" "Ossian" and "Monarch" were well supplied and arranged for the comfort of the passengers, dated 22nd December, 1823. 289
- February 4, London. Downie to Wilmot Horton. Apologises for troubling him with two petitions and asks for as favourable answers as possible. 290
- February 4, Monaghan. Martin to Bathurst. Respecting the succession of W. Croane. 423

1824.
February 7,
Monaghan. Richard Kisly to Bathurst. Refers to applications made by Mrs. Anne Croane and others and asks that the names of the executors for the property of William Croane be communicated to him. Page 412
- February 12,
London. Memorial of merchants interested in the trade of Upper and Lower Canada, pointing out the evils they conceive would be caused to the British North American colonies by the admission of flour and grain to them and to the West Indies from the United States. 710
- February 12,
Dublin. John Caldwell to Lord (Enniskillen?). Writes on the subject of his cousin the Receiver General for Lower Canada, who has been called on to pay a large balance due to the government which he was not prepared to discharge and as a consequence, is informed that he is suspended from his situation. He is anxious that government would issue an extent in aid against his property with commissioners to manage it, which would secure his property, liquidate his debts and relieve his securities. The friendly feeling entertained for Caldwell by Dalhousie, Bathurst, the legislative council and others. 331
- February 13, Enniskillen to Bathurst. Sends letter from an old and particular friend, John Caldwell, who is afraid that the property [of his brother] if not taken by government will be made an improper use of. At present it is thought that there is sufficient to pay all he owes. 330
- February 14,
London. C. Ogden to Wilmot Horton. Asks to be admitted under the gallery of the House of Commons and if the circumstances of his being a member of the Assembly of Lower Canada has weight, asks that Mr. Langevin, also a member, may have a similar indulgence. 464
- February 16,
Glasgow. Walter Clerk to Bathurst. A few hundred men may be spared for North America; hopes he may have funds placed in his hands that he may assist the men to emigrate. Asks that he may be assisted to get £10,000 for the purpose, bearing interest on his own personal bond with security over the lands. Asks if he (Bathurst) will not take a halfshare of the speculation. 226
- February 22,
Paris. Francis Cockburn to—— Hears that a large proportion of settlers is to be sent to Canada this year; offers his services. The opportunities he has had of acquiring a knowledge of the country and of the settlers. 228
- February 24,
Downing Street. R. J. Kerr to Wilmot Horton. Asks for an interview. It has been reported that during his communication with the government he had made himself obnoxious and as it was through him (Wilmot Horton) that all the communications took place, he is the best judge of his (Kerr's) conduct. 415
- March 4,
Loch Carron. Rev. John Mackenzie to Bathurst. The distressed state of his parishioners from the failure of the herring fishery for two years. They are willing to emigrate provided they obtain a free passage and a year's provisions. Want of employment forces them to emigrate. 425
- March 5,
Downing Street. Petition from the parishioners. The name and age of each member of the family are given. 439
- March 5,
Downing Street. Bathurst to Anglican Bishop of Quebec, follows Bishop to Bathurst of 15th June.
- March 6,
London. Archibald Campbell to Wilmot Horton. With reference to enclosed letter does government intend proposing a grant in aid of emigration? 231
- Enclosed. Rev. H. Heugh to Campbell. Solicits his influence in respect to emigrants on the suggestion of Downie of Appin to be exerted along with his (Downie's) and Monteith's, to have the emigrants assisted with a free passage. Their case to be considered contingent on a grant, leaving them in a state of great uncertainty as to their employment, renting of their houses, &c. 232
- March 6,
London. Seguier to Wilmot (in French). Applies for certificate of birth of Marie Antoinette Auzé, born on the 4th December at St. Sulpice in Canada. 546

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1824.
March 6,
New Ross.

March 11,
London.

March 11,
Quebec.

March 12,
Monaghan.

March 12,
Monaghan.

No date.

March 15,
London.

March 16,
London.

March 17,
London.

March 18,
London.

March 19,
Kimbolton
Castle.

March 20.

March 21,
Templemore.

March 22,
London.

Watson and Graves to Bathurst. The large emigration from the port of New Ross, the increased desire to emigrate, but under the new provisions of the Act ship owners cannot take passengers at the previous year's rate, so that hundreds of starving creatures will be thrown on the country; anything tending to check emigration will increase the disturbances and poverty. Suggestions for amending the Act and for enforcing sanitary measures.

S. Taylor to Under Secretary for the Colonies. Asks that a search be made to ascertain who was the survivor of four (Francis Fanquier and other three) who signed a deed in 1728.

Bishop (Anglican) of Quebec to Bathurst. Understands that Dalhousie is to forward an address from the Assembly on the subject of clergy reserves. The falsity of the statements in it arising from prejudice and passion. Specifies and contradicts many of the statements made in the address in respect to the reserves, to the number of adherents of the Church of England, &c. How the address was carried in the Assembly.

Anne Croane to Bathurst. Reiterates request for the names of the executors of John Croane. So far as she can make out the name of the chief executor is Moer French, London.

Martin to the same. Prays for an answer to his previous letter and certificate respecting the deceased W. Croane.

The same to the same. The name of the chief executor for John Croane (William elsewhere) is Moor French (Moer French elsewhere). Croane lived in Croydon, Surrey, where he was known as Crane.

Memorial of Sir Isaac Coffin stating that a grant of the Magdalen islands was given for his services, but that his property has been taken possession of by refugees from St. Pierre and Miquelon, who pay no rent. Asks for an Order in Council to enable him to send his relations and friends from Boston to the Magdalen Islands.

Peter Burnet (elsewhere Burnett) to Wilmot Horton. Has lived in Canada since 1809, and believing the climate to suit him better than that of Scotland designs to return and settle if he can get a grant of land so as to enable him to farm on a somewhat large scale. The advantages he possesses for this purpose.

Campbell to Wilmot Horton. In reference to enclosed letter certifies that Burnet is a person of the highest respectability.

Peter Burnett to Dalhousie. Had been asked by Thomas Burnett to introduce him (Peter Burnett) to Bathurst to enable him to endeavour to obtain a grant of land. A few lines from His Lordship to Bathurst would be of service.

Huntly to Gordon. Asks him to see Burnet and to mention him to Bathurst.

Walter Clerk to— A ship of 400 to 600 tons would require to be purchased to come north for the men fitted to fell the trees and clear the ground. Can depend on a few men of good character to act as overseers. If the Treasury would extend its liberality, has no doubt the country would receive interest for the loan. The plan he thinks, for emigration would be best carried out privately. How the money is to be expended, if the loan is obtained. How money can be procured by the sale of wood, &c.

Memorial of Sutcliffe for a free passage to Upper Canada, stating his inability to obtain employment in Ireland.

J. Stuart to Wilmot Horton. Reports the position, abilities and means of Burnet. To prevent any imposition on government the condition of the grants should be distinctly stated and enforced, otherwise the appli-

- 1824.
- March 23, Innishouse. cant is too apt to rely on indulgence. Under the arrangement mentioned a tract of land would be beneficially bestowed on Burnet. Page 547
James Crow to— Has learned through Adderley of the intention of affording facilities for the settlement he proposes on submitting a detailed statement which he now sends. 244
Enclosed. Schedule of the number, ages, occupations and religion of the proposed settlers. 245
- March 27, London. C. R. Ogden to Wilmot Horton. His indefinite leave of absence might have justified him in remaining beyond the usual six months, but being appointed solicitor general seemed to demand his immediate return. This, the death of his father prevents. Asks for an additional six months and that Bathurst would issue the commission so that the salary would be secure from the time the office was vacated by Marshall. 465
- March 29, London. G. Weltlen to Wilmot Horton. Understands that he wishes for information respecting the trade of Canada and the contraband traffic in tea. Shall send the materials he has collected whenever it may suit his (Horton's) convenience. 674
- March 29, London. Campbell to the same. Sends letter from Burnet, who would call at any time if a personal interview would facilitate matters. 248
- March 29, London. Peter Burnett to the same. Applies for a grant of land in Lower Canada. How he proposes to settle it and to apportion it to settlers. Suitable lands might be had behind Machiche or St. Anne de la Perade, although perhaps at the latter there is not a sufficiency in one block for settlement, as a barren chain of mountains intersects it. Other places mentioned that might be suitable on the right bank of the St. Lawrence. 23
- March 29, London. Wood to the same. Has contracted to supply the Navy Board with red pine deals as well as timber; asks for a licence to cut the quantity necessary for the red pine deals. 675
- April 3, Monaghan. Martin to Bathurst. Had written with certificate and received no answer respecting William Croane, deceased, although Mrs. Anne Croane had been twice answered. Asks for return of certificate, if no answer can be given. 446
- April 3, Fort William. Memorial of Donald Cameron, of Lancaster, Upper Canada. That he has been engaged in the emigration service, but that Bathurst had written that it was not intended to offer encouragement to emigration during the ensuing season. A Roman Catholic clergyman who had resided many years in Canada was offering encouragement to emigrants which was eagerly accepted, thus cutting off memorialist's prospects as he had not the same power to offer encouragement. Prays that he may be put upon a level with others employed in conveying emigrants from Scotland to North America. 249
- April 5, Fort William. Cameron to Bathurst. Sends copy of letter from the poor people whose names are signed to the petition which shows their attachment to him. 253
Enclosed. Copy of letter of same date. 254
- April 5, Monaghan. Petition of subscribing Scotch Highlanders. They are willing to work if they could find employment, but as they cannot they are in deplorable circumstances and must become a burden or emigrate, but this latter they cannot do from their poverty. They pray for aid to convey themselves and families to Canada this season. 255
List of families. 256a to 256b
- April 5, Monaghan. Anne Croane to Bathurst. Further inquiry respecting the property left by William Croane. 246
- April 6, Innishannon. Adderley to—Encloses a letter from Mr. Crowley, parish priest, respecting a grant of land in Canada; is considerably indebted to him for the quiet and good conduct of his (Adderley's) tenants. 1

1824.
April 11,
Kensington.

Welt den to Wilmot Horton. Transmits observations on the contraband trade carried on from the United States to the British provinces. He has no interest in the trade with these provinces, nor is he engaged in any mercantile pursuits.

Page 677

Enclosed. Long and detailed statement, respecting the contraband trade in tea and other Indian and Chinese products; the causes and the bad effects on British trade. At the end are tables of imports into the different ports of British North America.

April 12,
London.

Peter Burnet to Wilmot Horton. Agrees to the conditions on which he is to receive a grant of land. His capital is sufficient to carry out his engagement.

678

Enclosed. Result of the examination of sundry persons on the settlement of lands in Lower Canada.

35

April 12,
London.

Campbell to—Transmits letter and documents from Burnet who is anxious for a decision on his proposals.

37

April 23,
Kintail.

Macmillan to Wilmot Horton. Is there any prize money, generally called the Decean, for the 78th regiment, as there are still about 30 veterans living with no pensions and not provided for. If entitled, asks for a speedy payment, or if His Majesty would indulge them with a passage to Canada, their children would prove as loyal subjects as they had done themselves.

261

April 23,
London.

Certificate by Dr. Nevinson. that owing to the health of Alexander Forbes, a return at present to Canada would be attended with the most injurious effects.

450

April 23,
Cork.

Sullivan to Bathurst. Was one of those selected by Robinson to go to Upper Canada in July last, but the notice was too short to enable him to make arrangements and he was to be taken in spring. Disappointment of many that Robinson has not returned, as there are many distressed families expecting him.

335

April 24.

J. Goodall to (Wilmot Horton?) Applies for his good offices on behalf of Forbes, Lieut. Gov. of Gaspé, who is unable to return to Canada on account of his health.

551

April 26,
King's
County.

Certificate of John Lloyd that Mary Robinson is desirous with her family to join her husband in America, and that she and her family are in great indigence. Other documents are attached.

339

April 27,
Liverpool.

Bewley & Nevill to Bathurst. Send copy of deed from the Indian nation Nandowessies to Capt. Jonathan Carver, which government ratified, and assisted him to prepare a vessel for emigrants, but he died before he could leave Great Britain. His widow was living at Deerfield, Mass., in 1795, and sold the greater part of the tract. The difficulty of finding the ratification has raised doubts as to the value of the title. Asks that a search be made for the ratification, and that they may have such information as may clear all doubts as to the title.

511

Enclosed. Copy of the deed.

47

April 28,
Dublin.

Astle to—The defects in the Act for regulating passengers, and suggestions for its improvement.

48

April 28,
Woolwich.

Memorandum enclosed in Wilford to Wilmot Horton, 3rd May.

2

April 30,
Dundee.

Rev. James Thomson to Bathurst. Applies on behalf of the Synod of Angus and Mearns for encouragement to an educated clergy who had always shown their loyalty.

667

Enclosed. Memorial by the Synod of Angus for a grant by government for providing the means of religious instruction to members of the Church of Scotland in Canada and the West Indies equally with members of the Church of England.

668

April 30,
London.

J. Stuart to Wilmot Horton. Has the correspondence and resolutions relating to a proposed loan to relieve the sufferers in Upper Canada. There can be but one opinion of the reasonableness of Lower

1824.

Canada sustaining her share of the indemnity for losses, as they were incurred with a common object and to ward off a common danger. But the present state of feeling, in Lower Canada furnishes no ground for anticipating an acquiescence in the proposal. In the reception of Dalhousie's message the Assembly of Lower Canada declines to contribute to repair the losses or to impose duties for that purpose. The inconvenience arising from the separation of the provinces and the absence of control over both. Sends resolution. Page 553

Enclosed. Resolution of the Assembly (in French). That Upper Canada in the last war made the same meritorious efforts as Lower Canada to resist the urgent dangers which threatened them, and the Assembly sympathises with the people of Upper Canada in their sufferings, but the present condition of affairs renders impossible for the present the imposition of new taxes. 555

May 3,
Woolwich.

Wilford to Wilmot Horton. If there is nothing improper in the enclosed, asks him to submit it to Bathurst. Proposes to unite all the British North American provinces under one Parliament, but should that not be advantageous, proposes that there should be two, namely, first, the Canadas, secondly, Nova Scotia, New Brunswick, Prince Edward Island and Cape Breton. 694

May 5,
London.

Enclosed. Memorandum on the subject of the letter 28th April. 696
Peter Burnet to Wilmot Horton. Has been recommended to settle in Upper rather than in Lower Canada. If he got the grant asked for, agrees to settle 30 on the half of it, say 15,000 acres, the other half to be reserved. If he settle more than 30, the others to be counted as part of the second settlement. 50

May 7,
Aylesbury.

Goodall to (Wilmot Horton?) Thanks for his kind interference on behalf of Forbes. 345

May 7,
London.

Coffin to the same. Desires to have an Order-in-Council to enable him to bring his relatives and friends from Massachusetts to the Magdalen Islands, there to settle and carry on a fishery, but not to have registers or to be employed in any other way. 257
(See also memorial of 15th March).

May 8.

Questions and answers respecting the proposal of Admiral Coffin. 258
Grigg to Cochran. Enclosed in Haldimand to Wilmot Horton, September, 1824.

May 12,
London.

Peter Burnet to Wilmot Horton. Refers to previous correspondence respecting grant. Asks for 30,000 acres, to be put at once in possession of 15,000 on which in five years he would place 30 settlers. The other 15,000, to be retained till the completion of the first settlement for which he ask a deed on completion. The grants he wishes are the Crown lands in rear of the Seigniories of Grondines and St. Anne de la Perade but as an immense chain of barren hills intersects these lands, asks for the option of taking lands in rear of Machiche or Maskinongé. 52

May 17,
London.

P. Robinson to the same. Has received his favour of 14th instant, inclosing Burnett's application for a grant of 15,000 acres. The system of settling lands in Lower Canada is so different from that in Upper Canada, that he does not feel qualified to give a decided opinion. The value of the land in question and the reason for its not being settled should be ascertained. Should the union take place it is probable that a uniform system of granting would be adopted, but no land should be granted except on condition of actual settlement upon each 200 acres at least, and if a general system of emigration is intended, great caution should be observed in granting lands. In Burnet's case he must have misunderstood him (Robinson). In Upper Canada no such conditions as those proposed by Burnet would be listened to. 507

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1824.
May 18,
London.

May 10,
Ballymoney.

May 19,
London.

May 19,
Quebec.

May 19,
London.

May 24
London.

May 28,
London.

June 3,
Edinburgh.

June 4,
London.

Enderby to Wilmot Horton. Asks for an interview on the subject of not allowing Sir Isaac Coffin to settle the Magdalen Islands with subjects of the United States and to establish a fishery from thence. Page 334

Joseph Walker to McNaughton. Illness of Miss Milinda. Applies for a situation as surgeon in a military hospital for his son who has gone as surgeon of a ship to Quebec. 702

J. Stuart to Wilmot Horton. Has read the representation of the Society for the Propagation of the Gospel respecting a grant for McGill College out of the Jesuit Estates. The legacy is still in litigation by DesRivières, step-son of McGill, and he intends to carry the case to the Privy Council. If the judgment in Lower Canada is confirmed the representation from the Society for the Propagation of the Gospel would be entitled to the most favourable consideration. Besides about 45 acres near Montreal being left, the sum of £10,000 was bequeathed towards erecting a building which now, with accrued interest, amounts to £15,000, so that the aid required would not be very considerable. The Jesuit Estates being originally constituted for education, a small portion of it might properly be withdrawn in aid of the proposed establishment. 556

Darling to de Salaberry. Enclosed in Butterworth to Bathurst, 20th December, 1824.

Peter Burnet to Wilmot Horton. Unless a liberal allowance is made relative to the cultivation of lands being either swamps or intersected by rocks he must abandon the idea of obtaining a grant. The increased grants authorised to be made by Dalhousie. Messrs. Stuart and Robinson apparently only knew about settlement in Upper Canada and not of that in Lower Canada in which his residence is necessary. 55

The same to the same. Hears it is intended to grant part of the Crown reserves in Lower Canada to a Company formed for speculative purposes. Offers £750 currency for 20,000 acres of these reserves subject to set down a settler for every 200 acres, the land and money to be forfeited if the condition is not fulfilled. This is without reference to his proposal for waste lands of the Crown. 57

Cox to the same. Desires to know if Capt. Ralph Gore has been appointed Comptroller of Customs in Lower Canada. 262

Macdonell, late inspecting field officer in Canada, to Bathurst. Has learned with satisfaction that it is decided upon to divest the Crown and the Church of the reserved lands. Had previously pointed out that the confiscation of these properties would more than compensate the United States for the expense of a war, but he does not see any prospect of the properties being sold; it would be better to transfer them to British subjects in small portions on any terms. The object of Prevost's scheme for colonisation suggested by him (Macdonell). Reminds His Lordship of his (Macdonell's) plans for the management of the Canadian Militia. 451

Coffin to Wilmot Horton. The Magdalen Islands having been granted to him in free and common socage, the property is at his disposal in any way he may think fit. Has repeatedly represented to the Treasury that the Magdalen Islands have since the capture of St. Pierre and Miquelon been occupied by refugee Frenchmen who owe no allegiance to the King and from whom he (Coffin) can obtain no rent. The prevalence of smuggling. All he asks is that he may be allowed to transport from Massachusetts such respectable inhabitants, relations and friends, as may incline to settle and to become British subjects, and that they may be allowed to go in their own vessels carrying their own effects as was done to New England settlers in Upper Canada. If what he has advanced is not satisfactory he is ready to answer any other questions. 263

1824.
June 4,
Cork.

Walsh to Bathurst. Sends copy of instructions issued to Robinson last year for guidance in respect to emigrants to be sent to Upper Canada. It is reported that Robinson is to be at Cork in a short time, there is great excitement, and a large proportion of those assembled sold their properties in preparation for going. Asks for printed copies of instructions and to be informed if Robinson has orders to go to Cork. Page 705

June 5,
London.

Peter Burnet to Wilmot Horton. Modified offer for lands. 59

June 5,
London.

The same to the same (private). Possesses minute maps of Lower Canada which will give some idea of the reserves and of the waste lands of the Crown. Refers to Dalhousie as to the confidence that may be placed in his (Burnet's) statements. 61

June 5,
Charlotte-
town.

Memorial of Edward Holland, stating his services and praying for a grant of 500 acres on lot 55 of Prince Edward Island. 391

June 5,
Quebec.

Cochran to Grigg. Enclosed in Messrs. Haldimand to Wilmot Horton September—1824.

June 10,
Quebec.

Caldwell to Wilmot Horton. Had written by the sloop in which Dalhousie sailed. Had the Treasury minute arrived prior to the day on which the legislature met, Dalhousie need not have suspended him. How he proposes to pay the amount of his deficiency. If restored to office, the Mutual (sic) Bank would advance £25,000 to £30,000 repayable from the incoming revenues during the next six months, looking to him individually for the payment of the interest. Had hoped from the security he offered, which left no risk, that he would have been replaced in office, and he believed he would be were it not that the Council were afraid of appearing to dictate to the Treasury. Had empowered Davidson to visit England on his behalf, with full powers from him (Caldwell) and his son; cannot doubt that Davidson will be able to bring matters to a favourable issue. 266

June 10,
Aylesbury.

A. C. Stone to the same. Had called at the Colonial Office to get the information sought by the enclosed paper. Letter forwarded to Dalhousie to which no answer has been returned. The ascertaining of the points mentioned is of importance to a poor woman in his neighbourhood so that he would call, if convenient to receive him and explain the case. 567

June 13,
Quebec.

Enclosed. Memorandum respecting W. Webb, a soldier at the taking of Quebec, supposed to have become a butcher in Quebec and to have died unmarried about 1802. To identify the butcher with the soldier and to authenticate the information. 569

Caldwell to Wilmot Horton. Introduces his friend Davidson who goes to London to try to settle his (Caldwell's) affairs with the Treasury. 276

Memorandum on the case of Caldwell. The amount of the defalcation is £90,000. How it is proposed to settle it; the sources of the payments stated. 272

June 15,
London.

C. Stewart to the same. Cannot answer better without fuller information. Will wait on him at the Colonial Office. 570

June 15,
Quebec.

Bishop (Anglican) of Quebec to Bathurst. Cannot, as suggested, cross the Atlantic without the assurance of remaining at home. The importance of maintaining the ascendancy of the Church of England. If after his long services an arrangement cannot be made for his retirement, he must die at his post. 489

Memo. relative to the Bishop of Quebec. 491

Bathurst to Anglican Bishop of Quebec, 5th March, 1824. Trusts that the Bishop will be enabled to avail himself of the first opportunity to return to England in spring. 494

1824.

- Not signed to the Anglican Bishop of Quebec, 7th June, 1823, the conditions offered for his retirement. Page 495
- June 17, Quebec. Bishop (Anglican) of Quebec to Bathurst. Recommends and describes Marchmont, the property of Colonel Harvey as a suitable place for a see house for the Bishop. 497
- June 17, London. Memorandum on the purchase of a house for the Bishop. 499
- C. Stewart to Wilmot Horton (private and confidential). Is willing to accept the bishopric of Quebec at £1,400 a year during the life of the present Bishop, when this should be increased to an adequate amount. Trusts to be permitted to retain the rectory of Orton Langville. 571
- June 19, London. Mr. Ogden to Wilmot Horton. Has decided on remaining till the arrival of Dalhousie. 468
- June 26, Downing Street. Monk to the same. Asks for an interview to learn the result of Bathurst's favourable representation. 455
- July 7, Quebec. J. Kerr to the same.(?) Applies for compensation for the abolition of his office. 417
- July 9, London. J. Stuart to the same. Presumes his absence is no longer necessary. Asks for Bathurst's pleasure in the matter. 579
- July 12, London. A. W. Cochran to the same. Shall, as desired, remain in London as long as it may be considered necessary and hold himself in readiness to attend for further instructions. 276
- July 25, London. Monk to the same. Letters delayed in consequence of a mistake in forwarding them. His gratitude for the friendly intentions of Bathurst to further a just remuneration of his long services. The administration of justice will not suffer for his personal convenience. Remarks on his resignation and on the promise of a knighthood, which has been deferred till the resignation has been made. 456
- August 3, Ennis. Memorial to Bathurst of Sergeant John Canton. That he is anxious to send a memorial to Lieut. Governor F. N. Burton, but does not know how to address it nor has he the means to transmit it. Asks that it be forwarded through His Lordship's office. 277
- August 6, London. Monk to Wilmot Horton. May be absent from town a few miles on his (Horton's) return and therefore sends papers to meet him on his arrival for consideration. 458
- August 10, Chelsea. Hood to the same. The growth of hemp and flax in Canada and Ireland should be encouraged, to prevent the nation being at the mercy of Russia. 392
- August 11, London. John Davidson to Wilmot Horton. Is awaiting his pleasure in any communication respecting Caldwell. Has learned from Cochran that the various papers, &c., which came by the "London" had been forwarded to him (Horton). 291
- August 16, London. Monk to the same. Is desirous of leaving for sea bathing but cannot leave town while it may be likely a personal interview may be desired in consequence of the two letters. Does not press the subject, but desires to know how far attendance in town may be prudent. 459
- August 17, London. Davidson to Wilmot Horton. Stewart will call on Friday if he (Horton) can see him. Has handed him the papers on the Caldwell affairs to refresh his memory. 292
- August 17, Wandsworth. Grigg to Bathurst. Has arrived from Quebec and shall be happy to receive His Lordship's patronage in any part of the world. 342
- August 19, London. Davidson to Wilmot Horton. Stewart will call on Saturday as desired by him (Horton) instead of Friday. 293
- August 21, London. Monk to the same. May he leave town and go to Ramsgate for a fortnight and receive Horton's communications there? 460

1824.
August 22.

Davidson to Wilmot Horton. Discusses the situation of Caldwell, Receiver General, and the measures proposed for the liquidation of his defalcation. Page 294

August 23,
Wandsworth.

Grigg to the same. Thanks for the intention to recommend him to Sir Frederick Adams for employment in the Ionian Islands. Is in doubt if he should proceed there previous to a reply from Adams, and as he may not have an opportunity to act on the recommendation, suggests, as an alternative, that he be employed in Quebec. 343

August 25.
London.

Davidson to Wilmot Horton. The causes of Caldwell's embarrassment explained. His investments in the lumber trade in which he was encouraged by the belief that the duties on Baltic and Norwegian timber would be permanent. He also invested to a considerable amount in steamboat shares, on which he was a heavy sufferer although the province got the benefit. The amount unpaid for different services is not now more than £25,000 in round numbers. 302

Davidson to Wilmot Horton. Undated note (probably 26th August). Apologises for not having sent the enclosed. Caldwell's mills are now working to great advantage. Colonel Cockburn who knows the property, will give any information wanted. 308

August 25,
London.

Rae to Under Secretary of State. Applies for an extract from the deed of land granted to John Lindsay, who was lieutenant governor of Oswego and sheriff of Albany, and who died in 1751. It is of essential interest to the heirs, as it is supposed the original deed is lost. 513

August 26,
New York.

James Buchanan to Wilmot Horton. Had been offered for his services a grant of land but as he could purchase more cheaply than the fees he had declined it. As he understands that fees are abolished, asks now for a grant for himself and family on the most rigid terms of settlement as they could carry in with them a more extensive population than any family that had lately emigrated. His brothers have mills and two of his sons will remove to Canada next year. 63

A list of his family is attached to the letter.

August 27,
Twickenham.

Harvey to Wilmot Horton. The proceedings that have taken place respecting his property, which it was desired should be bought for building a residence for the Bishop of Quebec. 394

August 30,
Ramsgate.

Monk to the same. Has received letter announcing His Majesty's decision on the pension Act, and that he (Monk) must either resign or return to his duties in Canada. His state of health prevents this last and he assents to the terms of the pension Act. This letter to be presented to Bathurst and considered as his resignation. Urges his wish to be presented to the King and to be knighted. 461

August 30,
Montreal.

David Chisholme to Bathurst. Forwards copy of the first number of the "Canadian Review and Literary and Historical Journal," of which he was the sole projector as well as proprietor and editor, to be laid before the King. His desire to promote the literature of Canada. 278

August 31,
London.

Davidson to Wilmot Horton. Asks for employment with the commissioner for Upper Canada, to meet the commissioners on behalf of the Canada Company. 311

August 31,
Ramsgate.

Monk to the same. Private and official letters received; suggestions as to the arrangement for his pension. 427

August 31,
London.

Sheriff Sewell to the same. For an extension of leave of absence. 397

September 1,
London.

Certificate by Cochran that Sheriff Sewell obtained six months leave of absence from Dalhousie, with liberty to apply for an extension. 580

September 7,
London.

A. F. Haldimand and Sons to Bathurst. They have a claim against the estate of Caldwell for money advanced during several years for the financial operations of the provincial Government through him when he was provincial secretary; ask that their claim be considered in the general arrangement. 398

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1824.
September 7, Wandsworth. Grigg to Dalhousie. Believes that His Lordship misunderstood his letter, the meaning of which he explains. Page 348
- September 7, Wandsworth. The same to Wilmot Horton. Has received a letter from Dalhousie written apparently under misapprehension. As Dalhousie intends to write to the office, sends copy of answer. 347
(The other letters are dated from the same terrace; Wandsworth road.)
- September 8, London. Joseph Stroud to Wilmot Horton. Papers mentioned in margin of Capt. Carver's petition are not to be found. Asks that a search may be made in Colonial Office. 581
- September 15, London. Monk to the same. Has pension Act to Chief Justice Monk received the Royal sanction? What is the prospect of his receiving a knight-hood? 429
- September 17, Downing Street. The same to the same. Asks for an interview. 430
- September 18, Downing Street. The same to the same. The object of the interview he asked for was to learn the time when Bathurst would probably obtain for him an audience of the King, so that he could arrange his proceedings. 431
- September 18, London. C. R. Ogden to the same. Brings forward the claim of his mother, the widow of judge Ogden, who died on the 1st of February. Recommendation of Bathurst to the House of Assembly for a pension to judge Ogden, with provision for his widow, referred to a committee and not given effect to. The fund from which the pension might be derived is the amount of duties collected by virtue of the statute of the 14th year of the late King to defray the administration of justice. Precedents of provision of a similar nature quoted. 469
- September 22, R. D. Askam to the same. No answer has been returned to petition from Joseph Stroud, and therefore calls attention to it. 6
- September 24, London. J. Stuart to the same. Has received letter from Dalhousie respecting his return. Asks for his (Horton's) pleasure on this head. 582
- September 25, London. C. Stewart to Bathurst. Leaves on 1st October; sends second subscription list in aid of building churches in Canada. 583
Subscription list dated 17th July, 1824. 592
- September 25, London. Monk to Wilmot Horton. Had hoped that an earlier period would have presented itself for bestowing the marks of His Majesty's approbation. If a favourable occasion should arise would be glad to know. 432
- September 25, London. Same to the same. Thanks for his attention. Sends documents in support of application on behalf of Aubrey for employment. 433
Enclosed. Memoire respecting Mrs. Aubrey, daughter of Monk's brother, and Mr. Aubrey, stating the services of her father. 436
- September 27, London. Stroud to Wilmot Horton. Although the search was unsuccessful, returns thanks for the effort. Asks for the copy of Carver's petition to be returned. 584
- September —, London. A. F. Haldimand and Sons to the same. Express surprise that their communication of the 7th was the first intimation Bathurst had of their claim against Caldwell. Send copy of the letter from their agent to Dalhousie's secretary on the subject and original, acknowledging receipt of it and that Dalhousie would bring the subject before Bathurst. The amount and nature of the claim are contained in the copy; they reply to Bathurst's inquiries. 400
Enclosed. Grigg to Cochran, 8th May, 1824. Gives full details of the claims on the part of Messrs. Haldimand against Caldwell. 403
Cochran to Grigg, 5th June. Has received letter respecting the claim of Messrs. Haldimand. Will bring the subject before His Majesty's government. 411
- October 2, London. J. Stuart. Memorandum respecting the letter of E. Ellice to Wilmot Horton, dated 19th September, 1824. The letter and memorandum relate to the commutation of the seigniorial tenure to that of free and common socage. 585

- 1824.
- October 15, London. These were enclosed in letter of the same date from Stuart to Wilmot Horton. Stuart being the author of the bill commented on by Ellice. Page 614 Davidson to Wilmot Horton. In consequence of message had called on Mr. Herries, but found he had gone to the country. If it is thought important he should see Herries on Caldwell's affairs, asks for a letter of introduction. 310
- October 15, London. Seguir to Wilmot Horton, (in French). Applies for information respecting dame Elizabeth Desmoulins, wife of Dufour, settled at Lavaltrie, that she might have her portion of a succession which has fallen to her in France. 615
- October 20, Lambeth. Angell to Bathurst. Submits for consideration the plan of a national estate exchange, the methods and benefits of which he deals with at some length. 7
- October 27, London. Davidson to Wilmot Horton. Was assured by Herries that nothing could induce the Treasury to continue Caldwell in his office, but the collection of the debt would, he seemed to think, be left in the hands of the Colonial Office. Has received a list of the new members elected to serve in Parliament. If Sir Francis (Burton) will trust to himself and his own management he may get through his administration with credit. 31
- November 2, Lambeth. Angell to ——. Has received a pamphlet proposing to settle the surveyed townships of Upper Canada. The plan proposed could not fail to introduce capital, but doubts its political effect. His plan of a national estate agency approved of. 14
- November 10, Quebec. Neilson to Butterworth. Enclosed in Butterworth to Bathurst, 20th December.
- November 11, London. Stuart Wortley to Wilmot Horton. Introduces G. A. Young, son of the late John Young, who has been studying law and been called to the bar. He now goes to Quebec and wishes to be introduced, so that if anything should occur in Canada in which he may be employed, desires to be known to him (Horton). 708
- November 11, Quebec. Juchereau Duchesnay to the principal chief at Lorette enclosed in Butterworth to Bathurst, 20th December.
- November 20, London. Davidson to Wilmot Horton. Asks him to forward a letter to Herries, as he will not abandon all hope of seeing Caldwell restored, until every argument shall have been brought under consideration. 315
- November 20, London. The same to the same. Caldwell is not a treasury defaulter, as Herries contends, he having settled every thing under his letters patent for which he gave security to the Treasury. Explains his position towards the government of Lower Canada. 316
- November 23, Liverpool. G. A. Young to Wilmot Horton. Had been obliged to leave London, owing to his arrangements made before receiving (his) Horton's letter. Hopes, although he has not had a personal interview, his (Young's) name may not be forgotten at the colonial office. 709
- November 26, London. J. A. Roebuck to Bathurst. States that all his family are inhabitants of Canada. Asks for the grant of an island in the St. Lawrence, near the seigniory of Ellice and at a short distance from Coteau du Lac. 517
- November 27, London. Gillespie, Moffatt & Co., to Bathurst. Have in the meantime bonded the walnut plank in the London docks. 352
- November 28, Liverpool. J. Stuart to Wilmot Horton. Remarks on the Jesuit Estates, their original object; sketch of their present condition and the bad results of the present management. On his return to Canada shall send such particulars as may appear to be of use. 619
- Enclosed. C. Stewart to Wilmot Horton, 8th September, 1823. Sends remarks on the manner in which the Jesuit Estates are managed. 627
- Questions on the subject. 639
- November 29, London. Davidson to Wilmot Horton. Thanks for allowing him to see a copy of the Treasury minute of 18th November, and asks for a copy to

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1824.

- prepare a memorial asking a modification of that merciless paper. Explains the relation of Caldwell to the provincial Government. Page 320
- November 30, Buchanan to Wilmot Horton. Transmits a plan for ameliorating the condition of the Indians. 65
Enclosed. Reflections on Mr. Buchanan's "plan relative to the Indians". 66
- December 3, Davidson to Wilmot Horton. Has according to command, consulted with Cochran respecting Caldwell's affairs. How they propose his liabilities may be settled. 322
- December 6, Gilkison to the same. The Duke of Clarence has intimated his intention to visit the "Columbus" on Friday, asks the Secretary and Under Secretary for the Colonies to meet His Grace. 353
- December 8, Davidson to the same. Considerations in respect to the bill concerning seigneuries, pointing out modifications required. 326
- December 9, W. Bryan to Bathurst. Was a Roman Catholic priest and having joined the Church of England he was compelled to seek refuge in England. Is without employment and desires to emigrate, but has no means to pay his passage which he prays may be given him in February. 68
- December 10, Davidson to Wilmot Horton. Sends memorandum, subject not stated, which he hopes is sufficiently explicit. 328
- December 14, Dr. Poynter to Bathurst. Has asked Dr. Macdonell to present a letter from the prefect of the propaganda at Rome relative to the appointment of Dr. MacDonell to be ordinary bishop of Upper Canada without being subject to Dr. Plessis as Metropolitan. The Cardinal is willing to accede to this for the public good and is also willing to place Dr. Lartigue on the same if he (Bathurst) has no objection to it. In his opinion Dr. Lartigue and Dr. MacEhern of Prince Edward Island should be placed on the same footing. 475
- December 16, Gillespie, Moffatt & Co. to Bathurst. They have now received the documents to enable them to prove the walnut plank the produce of Canada. Where is the plank to be sent? 354
- December 16, Memorial of J. W. Grece, complaining that part of his property at Reigate, Chatham has been taken possession of for the purpose of building the Grenville Canal. 355
- December 20, James George to Bathurst. An improvement has taken place in the flour trade since he presented petition. Has discovered a method of constructing wooden railways with the rough trees of the forest for which he has taken out a patent. These roads can be constructed at a cost of about £10 a mile; can be used for carts and waggons and for railway carriages, they can also be used for transporting boats of large burden overland; advantages for defence, &c. 358
- Enclosed.* Extract from letter on the subject of wooden railway. 361
- Plan of railway and of arrangement for transporting vessels overland. Petition of merchants and others to be incorporated as the St. Lawrence Company to provide tow boats, chains, etc., to overcome the rapids; pray for exclusive power to collect tolls for a certain number of years. 363
- Prospectus of the St. Lawrence Company, stating the objects, tolls, etc., 367
- How it is proposed to ascend the rapids with tow boats, chains, etc., in English. 372
- The same in French. 375
- Other papers relating to the scheme. 379 to 385
- December 20, Butterworth to Bathurst. Introduces Indian chiefs who have brought letters from Neilson and Papineau recommending them to be introduced to him (Bathurst) that they may present a petition respecting their lands granted to them by the King of France in 1651, under the

1824. trusteeship of the Jesuits. The proceedings taken to recover their lands resumed by the Crown on the death of the last Jesuit are given in detail. Page 71
- Enclosed.* Neilson to Butterworth, 10th November. Introduces the four Huron Chiefs and states the nature of their claim. 76
- Eighth report of the Committee of Assembly relative to the settlement of Crown lands with the minutes of evidence. 78a
- Plan of the lands in report and other documents. 78a to 219
- December 20, Joseph Butterworth to Wilmot Horton. Arrival of four Indian chiefs from Canada to present petition to Bathurst. Will government defray their expenses as they have no money. 70
- December 23, John A. Roebuck to the same. Had received letter declining his request (for the grant of island near Coteau du Lac). Sends plan to show that Dalhousie is mistaken as to the situation of the island, which is marked A; it is at a distance of a mile from the main and nearly the same from the channel of the river, every part except the channel marked being impassable either in ascending or descending. The advantages possessed by the island for a settler. How his father and brothers have gained an influence over the French Canadians which they would lose by removal to another part of the country. The benefit derived from this influence of his father and brothers, which few Englishmen possess. 519
- Enclosed.* Plan. 522a
- December 27, Bishop (Anglican) of Quebec to Bathurst. Discusses the question of the precedence given to the chief justice over the Bishop and contends that by law the Bishop should take precedence. 500
- December 28, Dr. Poynter to Bathurst. He (Bathurst) having had an answer from Dalhousie on the subject of the appointment of Dr Lartigue to the diocese of Montreal, as Dr Macdonell is to be appointed to that of Upper Canada, that he is of opinion that the proposal respecting Montreal should not be carried into effect, regrets this; argues in favour of the proposal. 478
- December 28, The same to Wilmot Horton. Has addressed the enclosed to Bathurst on the subject of his (Horton's) communication. Has felt it a duty to state more explicitly than before the reasons for wishing Dr. Lartigue should be appointed with the powers of an ordinary at Montreal. 477
- December 28, Cochran to the same. Sends extract from private dispatch written by Bathurst to Sherbrooke respecting salaries of the officers of the legislature which bears upon the question raised by Burton's recent dispatch. 281
- Enclosed.* Extract mentioned in preceding letter from dispatch dated 31st August, 1817. 282
- December 30, Bentley to Wilmot Horton. Asks him to forward letter to the "Romney." 220
- December —, Memorandum respecting the division between Upper and Lower Canada of the duties collected at Quebec. 299
- No date. Memorandum respecting the arrangements for carrying on Goldsmith's business, rendered necessary on account of his death in September, 1810. 325
- Davidson to Wilmot Horton. Has called to thank him for all his kindness. Hopes he will bear Caldwell in mind. Has written to Caldwell that no summary proceedings would be taken against him. 329
- Patrick Heelen to the same. Desires information respecting the property of Daniel Lyon, a discharged soldier, who got lands in the neighbourhood of Nova Scotia with implements to work it and had been writing for some of his relatives to go out to him. 388
- Unsigned and unaddressed. Reports the death of Rodolph Jaccaz, leaving no heirs on the spot, so that his fortune had been seized by

1824.
No date.

government. The heirs now claim it. Would they be obliged to go to Canada or could the restitution be effected in London? Page 424

Colonel McDonell to Wilmot Horton. Desires to know respecting Bishop Macdonell's application on the subject of emigration from Scotland. 448

Directions by Bathurst that two Archdeacons should be appointed both in Lower and Upper Canada, to exercise delegated episcopal functions during the absence on leave of the Bishop. 506

Spring Rice to —. Sends letter to Lord Bathurst to be laid before His Lordship. The lithographed extracts on emigration have been forgotten to be sent him (Spring Rice). 510

Memorial of Susanna Maria Robinson states the services of her father Colonel Beverly Robinson, the losses he sustained, her pecuniary distress and the causes which have led to it. 514

"Remarks, &c., on certain strictures, &c., which appear in the Quarterly Review, No. 54, under the head of Campaigns in Canada." The remarks are signed R.H.S., no doubt Sir Roger H. Sheaffe, who succeeded to the command on Brock's death. 559

Two memorials for relief owing to the losses caused by fire at Troy, N.Y., by which all his property was destroyed. One entitled "Memorial of James B. Sharron." 573

The other signed "James Sharron." 576

Unsigned and undated remarks respecting the management of the Jesuit Estates. 616

Plea for securing the property to the Seminary of Montreal. The history of the Seminary given, its establishment, donation of lands, &c. 645

LIEUT. GOVERNOR SIR F. BURTON, 1825.

Q. 171.

1825.
January 15,
Quebec.

Burton to Bathurst (No. 15). Opened the legislature on the 8th. Papineau elected Speaker, was confirmed in the office. Sends copies of his speech and addresses in reply. Page 1

Enclosed. Speech at opening the session. 2

Address of the Legislative Council. 5

Address of the Legislative Assembly. 8

Maitland to Bathurst. The efficiency of the works for constructing the citadel at Quebec threatened by the proposed erection of buildings. Sends plans, &c., by the commanding engineers showing lots that should be acquired. Recommends that the purchase should be made and has desired Durnford to write to the Inspector General of Fortifications. 220

Enclosed. Durnford to Military Secretary. Calls attention to the necessity of fixing on the necessary slope for the parapet or glacis. Sends plan of the fronts of the new fortifications and of the lots of land required which may be procured by arbitration. The proposed acquisition at the nearest limit practicable to construct the glacis. 222

Memorandum showing the supposed value of the lots required. 225

Burton to Bathurst (No. 16). Closed the session yesterday with a speech from the Throne. Sends copy of that and of the speech by the Speaker of Assembly on delivering the Appropriation bills. The differences between the two legislative bodies on financial affairs have been settled and the Assembly has acknowledged the right of the Crown to dispose of revenues arising from certain Acts. The appropriation bills passed the Council with only two dissenting voices, and there has not been so quiet a session for 25 years. 12

March 24,
Quebec.

1825.	<i>Enclosed.</i> Governor's speech on closing the session.	Page 14
	Speech of the Speaker of Assembly.	16
	Financial statement.	20
	Bill to make further provision towards defraying the civil expenditure of the provincial government in English.	21
	The same in French.	25
March 25, Quebec.	Burton to Bathurst (No. 17). Has directed the law officers to take steps to secure the whole of Caldwell's property to liquidate the large debt he owes government. Shall report the further measures recommended by the law officers.	34
March 25, Quebec.	The same to the same (No. 18). Sends transcript of proceedings of the Executive Council in matters of state from 1st January to 5th June, 1824.	35
March 25, Quebec.	The same to the same (No. 19). Dispatches by the October, November, December and January mails received.	36
March 25, Quebec.	The same to the same (No. 20). On receipt of instructions he had issued letters patent appointing Justice Reid to be Chief Justice in room of Monk, Uniacke to be one of the judges of King's Bench, Montreal, in room of Reid and James Stuart to be Attorney General in room of Uniacke.	37
March 25, Quebec.	The same to the same (No. 21). Transmits list of Acts passed and assented to at the late session.	38
	List of Acts.	40
March 25, Quebec.	Burton to Bathurst (No. 22). Has reluctantly granted leave of absence to Judge Uniacke on a medical certificate and the assurance from the other judges of Montreal that his absence for six months would not be attended with material inconvenience.	48
March 25, Quebec.	The same to the same (No. 23). Transmits memorial from the Royal Institution for the advancement of learning, praying for a salary of £100 per annum for their secretary, Rev. Dr. Mills.	49
	<i>Enclosed.</i> Memorial.	50
March 25, Quebec.	Burton to Bathurst (No. 24). Transmits address from the Legislative Council respecting the operation of the Corn laws in Lower Canada and one from the Assembly respecting the application of the Jesuit Estates.	54
	<i>Enclosed.</i> Address from the Legislative Council.	55
	Address from the Assembly.	61
March 25, Quebec.	Burton to Wilmot Horton. Has given directions to have steps taken to procure information respecting Madame Elizabeth des Moulins and relative to the property of Charles Lacy, who died some time ago at Quebec.	39
March 29, Quebec.	The same to Bathurst. Forwards and recommends petition from the Royal Society for the advancement of learning.	66
	<i>Enclosed.</i> Petition from the Royal Institution for the advancement of learning. The institution would not have applied anew but for the sake of defending itself against the representations made by the House of Assembly. The gratification of the members at the liberality granted for education to Canadian subjects, but it leads to feelings of discouragement to see the little provision made for the rapidly increasing minority who are British or of British descent, who after 66 years under the King and his father are without a single public endowed establishment scholastic, academic or charitable. Petitioners forbear from bringing under notice the difficulties into which they have been thrown by persevering opposition to the effect of a bequest in their favour. They appeal to the King for assistance as it is in vain to appeal to the legislature for any help to make the bequest effectual. They divine the cause of the opposition from the statement in the petition of the House of Assembly. Defend the cause of the institution.	

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1825.

March 30,
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Quebec.May 9,
Quebec.

Under the circumstances they ask His Majesty to provide for the superintendence of the education of Roman Catholics in the country parishes and to extend his bounty for the extrication of petitioners from embarrassment and destitution.

Burton to Bathurst (No. 25). When he sent dispatch No 16 (24th March) his state of health prevented him from giving details of the late meeting of the legislature. At the election last summer a small proportion of English speaking members was elected and the whole of the leading men of the preceding Assembly supposed to be inimical to government. His anxiety respecting the calling of the legislature, which he was advised to defer, but as this might have laid the foundation for violent proceedings, he had issued a proclamation calling the legislature together for the dispatch of public business. The good effect of the speech he delivered at the opening. The vote of supply is calculated to cover the contingent expenses of the public offices as well as the pensions granted by the Crown and the salaries of the public school masters under the Royal Institution, except those paid from the Jesuit Estates. Has issued warrants for all the salaries left unpaid last year.

76

The same to the same (No. 27). Has received dispatch that in consequence of the 71st article of instructions, an additional allowance cannot be sanctioned by him (Bathurst). Calls attention to article 70 which provides for governors visiting other parts of their government, and discusses the effect of the articles and letters, and states that Dalhousie was aware that he (Burton) was entitled to an additional allowance. Hopes that the same allowance as was granted to Lieut. Governor Milnes will not be withheld from him.

80

Undated and unsigned minute by Mr. Baillie on the application of Sir F. Burton for half the salary of the Governor of Lower Canada, during Dalhousie's absence. The minute contradicts the arguments of Burton as being founded on incorrect considerations.

84

Additional note on Sir F. Burton's claim for half the salary of the Governor, pointing out that should an increase be granted during the Governor's absence, Parliament might insist on a deduction from the salary of Lieut. Governor when the Governor returned.

87

Castlereagh to Craig, 31st August, 1807. From the amount allotted for the salaries of the Governor and Lieut. Governor, he is to be allotted £4,500 per annum during his residence in his government, leaving £1,500 to the Lieut. Governor.

89

Extract from letter to Sir R. S. Milnes, that owing to the expenses unavoidable in his position as administering the government, he is to be allowed such a sum as shall increase his present salary to £4,000 net per annum, including fees of every description.

90

Burton to Bathurst (No. 28). In reference to the claim by Lieut. Menzies for the expenses and interruption to which he had been exposed by carrying dispatches, Lieut. Menzies had offered to carry the dispatches with a perfect understanding that he could have no remuneration and was furnished with extract from circular to the Duke of Richmond on the subject.

91

Enclosed. Extract from circular from Bathurst to Richmond, 25th August, 1819, that no allowance is to be made for travelling expenses to persons carrying dispatches.

93

Maitland to Bathurst. Dalhousie has provisionally agreed to purchase from the Hudson's Bay Company certain buildings at Sault Ste. Marie for the accommodation of the troops to be removed from Drummond Island, in consequence of its being decided to be within the limits of the United States. The Hudson's Bay Company has applied to have

1825.

the bargain completed. Has no official information on the subject and asks for instructions. Page 226

May 16,
Quebec.

Burton to Bathurst (No. 29). Has received accounts from Ryland, Treasurer for the Jesuit Estates; these with other documents he transmits. The documents will enable his Lordship to form a just idea of the nature and value of the estates. The sum of £8,000 is due from the estate of the late Henry Caldwell, formerly treasurer, for which his son has engaged to pay 6 per cent, per annum, until the principal has been paid. 94

Enclosed. Ryland to Burton. Transmits his accounts as treasurer of the Jesuit Estates from the time of his appointment, to be forwarded to the Secretary of State, in case the accounts rendered every six months had not been sent. The net amount collected was £31,765 7s. 9d. and paid out £31,404 17s. 4d., leaving a balance of £360 10s. 5d. at the disposal of the Crown. He holds duplicate vouchers for every payment. 96

Statement of accounts in detail. 99

Extracts from the minutes of commissioners for managing the Jesuit Estates, containing a report from Lewis Foy. 136

Copy of commission appointing Ryland to be treasurer. The commission recites the terms of previous appointments. 153

May 26,
Quebec.

Burton to Bathurst (No. 30). Augustin Kennedy tried for murder, convicted and sentenced to death. Owing to difference of opinion, between the two judges who tried the case, has reprieved the prisoner till His Majesty's pleasure is known. 161

Enclosed. Report of Chief Justice Sewell on the case of Augustin Kennedy, stating the facts that would support the case of manslaughter instead of murder. 162

Report of judge Kerr holding that it was a case of murder. 171

May 26,
Quebec.

Burton to Wilmot Horton. In answer to inquiries, sends documents from her relations respecting Mrs. E. Desmoulins. (Des Moulins elsewhere). Can find no trace of Charles Davy and Simon Bauch. 175

June 4,
Downing
Street.

Bathurst to Burton. The reported arrangement of financial affairs was not satisfactory, as it had been at variance with the instructions given in dispatches of 11th, September, 1820, and 13th September, 1821. Discusses the effect of the arrangement and concludes: "The consequence of this arrangement is that the permanent revenue will not be applied for the payment of such expenses as His Majesty may deem fit, but on the contrary, for the payment of whatever expenses the colonial Legislature may think necessary, and the only money to be raised under the King's revenue being thus appropriated, no means remain for the liquidation of those expenses, formerly carried on the King's revenue and many of them, specially authorized by His Majesty, which have been rejected. The appropriation of the permanent revenue of the Crown, will always be laid by His Majesty's commands before the House of Assembly, as a document for their information and for the general regulation of their proceedings." This will enable them to see what is wanted and to provide for it, and they will also see that the King's revenue is applied for the benefit of the province. In respect to the items rejected, he shall feel it his duty, after having attended to each individual article, to direct the payment of those it may be expedient to continue. The bill being limited to one year, he will not recommend its discontinuance, but the governor is not to sanction any measure of a similar nature. 29

June 6,
Quebec.

Burton to Dalhousie. *Enclosed* in Burton to Bathurst 25th July, 1825. Answer of same date enclosed in the same letter.

June 10,
Quebec.

Maitland to Bathurst. In reference to petitions forwarded by Sir Herbert Taylor of two persons employed as interpreters in the Indian Department, sends copy of report from the head of that department, showing that their statements are unfounded. 228

Q. 171

1825.

Enclosed. Report by Sir John Johnson that the statements in the petitions of Francis and William de Lorimier are incorrect and that the alleged promise was never made by him. Page 229

Burton to Bathurst (No. 31). Has received dispatches by the February, March and April mails. 176

The same to the same. Expected death of the Bishop of Quebec. 177

The same to the same (No. 32). Death of the Bishop of Quebec on the 16th June, in the 76th year of his age. 178

The same to the same. A severe domestic affliction obliges him to ask for six months leave of absence. 179

The same to Wilmot Horton. Has received letter that French had waited on him with a letter from Caldwell, written in great alarm, under the impression that Bathurst had peremptorily directed the sale of his property. Caldwell was distinctly informed that there was no such intention and parts of Bathurst's letter had been read to him in proof of this. 180

The same to Bathurst (No. 32 repeated). His Lordship's disapprobation leads him to enter more minutely into the circumstances of his assuming the administration than he would otherwise have done. The special instructions spoken of have never been seen. If they had they would have relieved him as he would only have had to follow the rules therein contained. Transmits copy of his letter to Dalhousie about instructions, and the answer in which Dalhousie says he had no confidential instructions but those placed in his hands. Gives extract from dispatch of Dalhousie on his embarrassment caused by the conduct of the Assembly towards the Council in financial matters. His (Burton's) course had been approved of by the legislature, and for which he expected to receive approbation instead of censure. Did not feel justified in refusing his assent to a bill which did not limit the prerogatives of the Crown, passed both Houses and had the support of the law officers. Was unaware of the sentiment in the speaker's address on presenting the Bill of supply. His regret at His Lordship's displeasure; his efforts to secure harmony between the Executive and Legislative bodies. 182

Burton to Dalhousie, 6th June, 1824. His embarrassing situation and regret that the confidential instructions of government were not communicated to him. 189

Dalhousie to Burton, 6th June, 1824. Would have told him of any secret had he had any to disclose but he had not. The office of the civil secretary will furnish the whole correspondence with the ministers. 191

Burton to Bathurst (No. 33). Referring to his application for an additional allowance during the absence of Dalhousie, had learned that the widow of Sir George Prevost was authorized to receive a portion of her husband's fixed salary at the rate of £2,000 per annum. Is informed from a source on which he can rely that it was a proportion of the £4,500 that was claimed and allowed. 193

The same to the same. In addition to what he has stated in his letter of 25th July, sends statement of facts to show the propriety and expediency of his accepting the appropriation bill of last session. 194

Enclosed. "Memoir relating to the bill of appropriation passed by the Assembly of Lower Canada for the year 1825, in support of the civil government of the province," a long and detailed statement of the origin of the assistance given by the legislature, to supplement the Crown revenues for the civil establishment of Lower Canada. 195

Burton to Wilmot Horton. In answer to Peel's question as to the effect of Kennedy's execution, states his reasons for believing that

June 14,
Quebec.

June 16,
Quebec.

June 18,
Quebec.

June 30,
Quebec.

July 13,
Quebec.

July 25,
Quebec.

August 2,
Quebec.

August 11,
Quebec.

December 3,
London.

Q. 171

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1825.
Kennedy should not be executed. (The statement of the case by the Chief Justice is at page 162, and that by Judge Kerr at 171, both being enclosures in Burton's letter of 26th May). Page 216
- December 5,
Quebec.
Dalhousie to Wilmot Horton. Reports the death of Bishop Plessis. Had already reported his fatal illness. Asks that the appointment of a successor be deferred till papers he is preparing are received 181
- December 10,
Ramsgate.
Burton to the same. Has sent the sum of £113 7s. 9d., being passage money for Lord Arthur Lennox, himself and one servant, but has since learned that a Governor or Lieut.-Governor is entitled to a passage once each way. Hopes his having paid the amount will not prejudice his claim. 218

GOVERNOR LORD DALHOUSIE, 1825.

Q. 172—1.

1820.
May 31,
Montreal.
Monk to the puisne judges. Enclosed in Dalhousie to Bathurst, 14th February, 1825.
1821.
February 28,
Quebec.
Report of commissioners on Gaspé. Enclosed in Dalhousie to Wilmot Horton, 1st October, 1825.
1823.
December 26,
Montreal.
Petition of Stephen Sewell. Enclosed in Dalhousie to Bathurst, 14th February, 1825.
1824.
April 30,
Quebec.
Ryland to Dalhousie. Enclosed in Dalhousie to Bathurst, 16th February, 1825.
- May 1,
Quebec.
A. W. Cochran (Governor's Secretary) to Burton. Enclosed in Dalhousie to Bathurst, 16th February, 1825.
- May 10,
Montreal.
Puisne judges to Ross. Enclosed in Dalhousie to Bathurst, 14th February, 1825.
- May 18,
Montreal.
Petition from the rector, church warden, and vestry of the parish of Montreal. Enclosed in Dalhousie to Bathurst, 15th February, 1825.
- May 25,
Quebec.
Report of the commissioners on the Jesuit Estates. Enclosed in Dalhousie to Bathurst, 16th February, 1825.
- June 4,
Quebec.
Bishop (Anglican) of Quebec to Dalhousie. Enclosed in Dalhousie to Bathurst, 14th February, 1825.
1825.
January 8,
Dalhousie
Castle.
Dalhousie to Bathurst (No. 1). Has received copy of petition from J. W. Grece for compensation for injuries caused by carrying the Grenville Canal through his lands. Every exertion has been made to meet such claims; one or two persons have refused the offers made, of whom Grece is one. A magistrate was sent to investigate all claims received. Those who did not choose to send claims thus could have their remedy by a jury; so has Grece, but he is always in a state of drunkenness bordering on madness, and totally unworthy of notice. Page 1
- February 5,
London.
The same to Wilmot Horton (No. 2). Cannot report very satisfactorily about the two Lorimiers, not recollecting correctly their respective situations. Can only remember hearing of one, who, he thinks, domiciled amongst the Indians and has a family by a squaw. Had ordered an inquiry into the Indian Department in order to reduce all unnecessary expenses, among other reductions being interpreters; only those to be retained who were useful. Can say nothing of Lorimier, as he does not recollect, but if he sent his petition to the military secretary's office, he must have had an answer. Complains of Sir John Johnson for encouraging complaints, such as the present, in the Indian Department. 2

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1825
February 5.
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February 5,
London.

Dalhousie to Wilmot Horton. Returns three original documents which should form part of the official papers of the department. Page 4
Dalhousie to Bathurst. Knowing that Desbarres had left his family in insufficient circumstances, feels himself called on to lay their petition before His Lordship.

Enclosed. A. W. Desbarres to Dalhousie, 1st February, 1825. Forwards petition for his sisters which he asks His Lordship to present and recommend to Bathurst.

Memorial of four daughters of the late Col I. F. W. Desbarres, states his services, beginning his public life as aide-de-camp to Wolfe in 1756, his employment on the survey of the coasts of Nova Scotia, for the expense of which he was not remunerated; his appointment as governor of Cape Breton and the outlay necessary for provisions for the new settlers. His character vindicated, but his accounts not settled for some years when, owing to the loss of vouchers, &c., he was minus the sum of £5,516 18s. 10d. on his accounts for the service of Cape Breton. His pension did not allow him to provide for his family, they, therefore, pray that a portion may be continued, the amount to each being £100 a year.

February 7,
London.

Dalhousie to Bathurst (No. 5). Points to the arrangements in the military settlements between Kingston and the Ottawa as the best plan to fix emigrants on their ground. They receive rations for two years and implements, but no idle man was suffered there, his rations being stopped from the time he neglected his work. At the end of three years he felt his work done, the settlements having gained strength and having now a population of 10,000, where five years ago there were scarcely ten families. Recommends that emigration on the same system should be directed to Gaspé; the advantage of that coast for fishing, &c. Transmits an address from the magistrates and respectable merchants which cannot fail to draw the favourable consideration of government. The zeal and usefulness of Mr. Caron, the provincial judge of the district, and Mr. Crawford, merchant at the Bay of Chaleurs; by their exertions, peace, industry and regularity are taking the place of the general contempt of law and the prevalence of uncontrolled habits and passions.

February 7,
London.

The same to the same (No. 6). The Assembly of Lower Canada has presented an address asking him (Dalhousie) to ascertain how much His Majesty's government and the provinces of New Brunswick and Nova Scotia would contribute towards building a great road from these provinces to the St. Lawrence at Little Metis. A communication along that shore has long been desired; its importance. Description of the route; it is safe from interruption in war, and opens a fine country for emigration. The importance of local interests. The reasons for constructing the road lead him to recommend assistance to be given to the measure as one of the greatest and most immediate importance.

February 7,
London.

The same to the same (No. 7). Transmits copies of representations from the judges of Lower Canada in which he agrees.

Enclosed. Burton to Bathurst, 9th December, 1824. Transmits representation from the judges of Lower Canada to have their commissions granted during good behaviour, to make them more independent and asking also for a provision for retirement. The desire to have the judges more independent, seeing they have to decide so many cases brought by the Crown. Recommends the petition to favourable consideration.

Petition of the Chief Justice and of the puisne judges for the districts of Quebec, Montreal and Three Rivers.

February 7,
London.

Dalhousie to Wilmot Horton (No. 8). Understands that a decision has been come to in respect to the late Receiver general. Recalls to his attention that an address was sent from the Assembly in 1824 for the

1825.
February 7, London. repayment of the Receiver General's deficiency. Has a decision been come to on this? Page 29
Dalhousie to Bathurst. Sends letter from the Bishop of Quebec respecting the purchase of a house which he cannot recommend. Points out, however, that if the house were bought the allowance of £400 for rent would cease, which may be considered as advantageous. 30
Bishop (Anglican) of Quebec to Dalhousie, 17th June, 1824. Recommends the purchase of Marchmont, which with additions and repairs will cost £7,000 sterling. It would be a pleasant and convenient residence for the bishop. 31
February 7, London. Dalhousie to Wilmot Horton (No. 10). Sends for Bathurst's information papers on certain subjects relating to Canada. (1) Upon the financial administration. (2) On state of Gaspé. (3) Great road of communication. (4) Memorial of the judges of Lower Canada. (5) Letter of the Lord Bishop of Quebec. 32
February 14, London. Dalhousie to Bathurst (No. 11). Forwards memorial from David Ross, King's Counsel at Montreal, and recommends him for a seat on the Bench, when the first vacancy occurs. 33
Enclosed. Petition of David Ross, stating his services and praying to be appointed a puisne judge. 34
Chief Justice Monk to the puisne judges, 31st May, 1820, on the qualifications of David Ross for a seat on the Bench. 38
Puisne judges to Ross, 10th May, 1821. The letter from Chief Justice Monk handed to them some time ago is inclosed to him. They cannot make the recommendation as they do not wish to interfere with the views of the Crown. 39
February 14, London. Dalhousie to Bathurst (No. 12). Forwards memorial from Stephen Sewell for promotion to the Bench, but this does not weaken his recommendation of Ross contained in separate letter of same date. 40
Enclosed. Petition of Stephen Sewell for a seat on the Bench, 26th December, 1823. 41
February 14, London. Dalhousie to Bathurst (No. 13). Transmits at the request of the Lord Bishop of Quebec, petition from the congregation of the Church of England in Montreal for aid towards completing their church. 43
Enclosed. Petition from the rector, church wardens and vestry of the parish of Montreal, 18th May, 1824. 44
Bishop (Anglican) of Quebec, 4th June, 1824. Transmits and recommends the petition from the congregation of the Church of England in Montreal. 47
February 16, London. Dalhousie to Bathurst (No. 14). Calls attention to the system on which the affairs of the Jesuit Estates are administered, which is expensive and may be amended. Thanks are due to the members of the Board for their zealous and disinterested discharge of most troublesome duties. Had been in hopes that the revenues would have increased but was disappointed. Sends copy of reference made to the Board and of the report thereon; also letter of the treasurer at the close of the last half yearly collection. These papers show that the revenue does not exceed £1,700 per annum, and the expenditure is greater than the revenue. Can only recommend the abolition of the Board and the transfer of the collection and management to the Inspector of the King's domain. The increased economy and efficiency this would give. 48
Enclosed. A. W. Cochran to Burton, 1st May, 1824. Reference respecting the management of the Jesuit Estates. 51
Report of the Board on the reference. 53
Expenses of management. 58
Ryland to Dalhousie, 30th April, 1824. Transmits accounts as treasurer for the Jesuit Estates showing a balance remaining of £308 16s. currency. Sends also general statement with remarks. 59

1825.

February 16,
London.

General statement of money received and paid by Ryland, treasurer, between 1st May, 1812, and 30th April, 1824. Page 61

Dalhousie to Bathurst (No. 15). Transmits application of Collector and Comptroller of Customs at Quebec respecting percentage on collections and recalls attention to previous application not decided on by the Treasury. When the Assembly refused in 1822 to provide for the wants of government, he called on the Executive Council to revise the whole expenditure, to suspend such payments as were not authorized by law, and to retrench such as were not necessary. The payment of the percentage to the Collector and Comptroller was stopped, except in respect to duties under 33 George III, for which the percentage was expressly provided. The allowance has been suspended since 1822, and in 1823 the Assembly refused to provide for it. The allowance has been paid since 1796; although no decision of the Treasury was made known to the legislature, the allowance has been paid without objection till 1818. The Collector and Comptroller maintain that they are entitled to the percentage under the revenue Acts in which it is not forbidden; the legislature take the opposite view. Asks that the Treasury decide on the documents transmitted in 1822. 62

Enclosed. Collector and Comptroller of Customs of Quebec, 19th May, 1824. Respecting their percentage allowance for collecting the revenue. 66

Dalhousie to Bathurst (No. 16). Sends report of the expenditure of a gift of £1,000 to the Quebec Emigrant Society. The good it has done and the wants of the emigrants compel him to ask for similar relief for 1825. 69

Enclosed. Report of the Quebec Emigrant Society on the expenditure for (1) The relief of helpless indigence; (2) The providing of work, and (3) Aiding the settlement of emigrants. 70

Statement of expenditure. 76

February 17,
London.

Dalhousie to Wilmot Horton (No. 17). Calls attention to an application from the Royal Institution for Education for help to enable them to carry into effect McGill's bequest for the foundation of a college. 77

February 17,
London.

Same to the same (No. 18). Is not aware of any fund to pay for the arms and ammunition issued from the stores at Montreal by his orders except by a warrant on the military chest chargeable to army extraordinaries. The arms and ammunition are of little value, and were issued to encourage the volunteers in Quebec, Montreal and the frontier townships. Believes he should have power to issue arms for the good government of the province. 78

February 17,
London.

The same to the same (No. 19). Asks for instructions for the payment of the arbitrator for Lower Canada and the umpire appointed under the "Canadian Trade Act". Upper Canada has voted £500 for the arbitrator appointed to act for that province, but the Legislature of Lower Canada will not follow this example. 81

Note on the letter. That Dalhousie is to make arrangements for the payment of the arbitrators, and in event of the Legislature declining to do so, he is to pay the arbitrator £500, and the third arbitrator the proportion due by Lower Canada, charging it as a matter of account against the province. 83

February 17,
London.

Dalhousie to Bathurst (No. 20). The difficulty in disposing of convicts sentenced in Canada to transportation. Asks for authority to send them to the hulks at Bermuda. 84

February 17,
London.

Same to the same (No. 21). The government vessel sold after the close of the war of 1814. One required for maintaining the communication with Gaspé and the Lower North Shore of the St. Lawrence and also to enable the bishops to reach their churches in these distant

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1825. parts. Nova Scotia is allowed such a vessel, and great good is derived from it. Page 86
- February 17, Dalhousie to Wilmot Horton (No. 22). The order to Burton is satisfactory in respect to Caldwell's deficit so far as it goes, but the advance from the Military Chest would only be a loan, not the repayment asked for by the Legislature. 88
- February 18, London. The same to the same (No. 23). Is satisfied with the mode in which it is proposed to offer aid towards the great road along the shores of New Brunswick to the St. Lawrence. Is content to submit that to the Assembly as an answer to the address and to communicate its purport to the Lt. Governors of Nova Scotia and New Brunswick. 89
- Notes by Wilmot Horton on the subject; that the mother country might obtain the money for the provinces at a low rate of interest, the provinces to pay the interest and raise a sinking fund. The Treasury would reject any applications for a grant. The benefit the road would be to the three provinces and the annual cost of the interest and sinking fund on the amount to be raised by the province. 90
- February 18, Dalhousie to Wilmot Horton (No. 24). Returns letter and enclosures from James George, who is an active and enterprising young man, but his plans are so comprehensive, that he (Dalhousie) would like to have the advantage of considering them with the Council. 94
- February 19, London. The same to the same (No. 25). Sends remains of public business yet untouched relating to Canada. He has to return to Scotland on business leaving Cochran to attend to public affairs. Sends schedule of papers. 95
- Enclosed. Schedule of papers. 96
- February 25, London. Cochran to Wilmot Horton. Had been out of town. Shall without delay comply with his commands. 143
- February 27, London. Dalhousie to the same (No. 26). Sends report of Stephens on the claim of the Collector and Comptroller of Customs, Quebec, which he regards favourably but recommends the case should be submitted to the Attorney and Solicitor General. 98
- March 10, Dalhousie Castle. The same to the same (No. 27). Has considered the petition of Michael Scott for a site on the Jesuit Estates at LaPrairie. Is strongly of opinion that sites should be given for mills and factories on the Jesuit Estates where they can be found. But whilst supporting this principle there may be local circumstances that led the commissioners to decline the application of George. 99
- March 11, London. Cochran to the same. Sends explanation of the circumstances of the advances of £60,000 from the military chest in aid of the civil government of Lower Canada. 144
- Enclosed. Memorandum on the advances from the military chest for the information of Wilmot Horton. 145
- March 12, London. Cochran to Wilmot Horton. Calls attention to Dalhousie's letter of 31st October last, respecting the mutual claim for arrears between the provincial government and the Imperial Treasury. The necessity for a settlement to secure permanent harmony in the legislature. 152
- March 12, London. The same to the same. Sends extract from letter from the Archdeacon of Quebec requesting an additional supply of Bibles and prayer books. If sent as before, the bishop wishes to have a larger supply. 154
- Enclosed. Extract from Archdeacon Mountain. The first supply was accounted for and £60 which had been received in small sums, was handed over. The second supply shall be accounted for on his (Cochran's) return. 155
- March 21, Dalhousie Castle. Dalhousie to Wilmot Horton (No 28). The £1,000 advanced for the relief of emigrants was taken by warrant from the Military chest by authority of Bathurst. 101
- March 25, Dalhousie Castle. The same to the same (private). Hears from Cochran that he (Horton) proposes to introduce a bill to facilitate the change from seigniorial

March 27,
Dalhousie
Castle.

April 3,
Dalhousie
Castle.

April 4,
Dalhousie
Castle.

April 5,
Dalhousie
Castle.

April 12,
Dalhousie
Castle.

April 21,
Downing
Street.

May 1,
London.

1825.

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tenure to that of free and common soccage. Calls attention to points important to the government. (1.) He desires to be able to resume by a court of escheat as in Nova Scotia, old grants and neglected locations, about which the Crown lawyers report some difficulties which must be removed by legislation not to be obtained in the province where individual interests prevail over those of the Crown and of the country. (2.) A new subdivision of the province, several of the counties have an extent of more than 100 miles without magistracy or means to enforce the laws. (3.) The better representation in the legislature of the Eastern townships.

Page 102

Dalhousie to Bathurst (No. 29). The importance of the communication between Kingston and the Ottawa through the military settlements. The great expense of a canal. A military road or even a railway could be made for much less expense and in much less time. Suggests that the question be submitted to the Duke of Wellington.

104

The same to the same (No. 30). Has received letter enclosing memorial from M. Scott for a flour mill on the St. Lawrence, which shall be attended to on his return to Canada.

106

The same to Wilmot Horton (No. 31). Can send no further information on Cyrus Foy's case except what is contained in the papers. Believes his was a case of private misfortune and speculation with which the executive Government could not interfere.

107

The same to Bathurst (No. 32). Had sent suggestions on the Bill respecting the conversion of tenures in Lower Canada. Adds observations to show the expediency of Parliament inserting them in the Act. Repeating escheats for non-fulfilment of conditions points out the large quantity liable to forfeiture and the difficulty of enforcing it. The legislature of the province cannot be expected to deal with it, as it consists chiefly of persons interested in the lands liable to resumption. Urges a new subdivision of the province into counties and districts, called for by the inconvenient manner in which the lines are drawn at present, creating endless confusion. A general power to do this should be given to the local Government. The necessity for representation being given to the Eastern Townships. Little hope of justice being done to this part of the population by the provincial Assembly.

111

Dalhousie to Wilmot Horton. If, as has been suggested, the General Repeal Act of Huskisson, should affect the revenues in Canada, asks that Bathurst should provide for the re-enactment of the laws on duties, etc., when the revenue Acts are repealed. The necessity to re-enact these laws, as otherwise the Governor's hands are tied and all means to carry on the administration of the laws arrested.

117

Wilmot Horton to Dalhousie. Transmits copy of communication from Newman, Hunt, Christopher & Co., and of reply. Asks that the necessary measures be taken to bring under the consideration of the legislature of Lower Canada the expediency of passing proper laws for the administration of justice in that part of Labrador which may be annexed to the province.

109

Enclosed. Wilmot Horton to Newman, Hunt, Christopher & Co., 21st April, 1825. That they will not suffer the inconveniences they apprehend from the proposed annexation of the western part of the coast of Labrador.

110

Cochran to Wilmot Horton. Sends summary of reports of the Committee of Assembly on the waste lands of the Crown and emigration. Applications made to Dalhousie by the Committee were granted, but they never founded on their reports any application to Dalhousie on land granting or on emigration. On the latter subject a bill was introduced into the Assembly, but thrown out in Council. A small portion of the reports relates to land granting and not much to emigration. The

1825.

report on education never reached Dalhousie, except in the journals of the House. It contains little on education in the province, being chiefly made up of the proceedings in France on the suppression of the Jesuits and of extracts from proceedings in the province relative to the Jesuits estates between 1787 and 1793. Page 156

May 11,
London.

Dalhousie to Bathurst. Transmits, as desired, copy of the Royal instructions with marginal notes. Owing to the new regulations, the trade instructions will require to be almost wholly altered. 122

May 11,
London.

The same to the same. Meeting of a new society at Quebec formed last year (1824). The enthusiastic manner in which the proposal was received. Asks for His Majesty's patronage. The only difference of opinion, was as to the name, some wishing it to be called the "Quebec Literary and Historical Society," others desired the more general title of the "Literary and Historical Society of Canada," the title is left to His Majesty's decision. His desire to promote the prosperity of the society from the benefits it may produce. 119

May 12,
London.

The same to the same (No. 34). His pleasure at the various measures proposed for the advancement of Canada. Recommends a survey of these parts at least which are settled, as there is no survey at present and consequently no possibility of knowing the boundaries of counties or townships much less those of their sub-divisions. Four or six officers of the Royal Engineers might be employed with the assistance of the Surveyor General's Office. 124

May 12,
London.

The same to the same (No. 35). His leave of absence expires in June, and he is ready to leave when Bathurst shall direct. Asks for a passage in a ship of war, and would prefer to sail from Greenock on the Clyde, about the 20th July. 126

May 12,
London.

The same to the same (No. 36). Recommends John Stewart, (Stuart?) of Quebec, to fill the vacancy in the Legislative Council caused by the death of Duchesnay. 127

May 12,
London.

The same to the same (No. 37). Recommends Charles Etienne Chaussegros de Léry, as a Canadian gentleman well fitted to succeed Duchesnay in the Executive Council. 128

May 12,
London.

The same to Wilmot Horton (No. 38). Sends document to be laid before Bathurst. Asks that the mandamus to appoint de Léry to the Executive Council be sent by Cochran and that he (Dalhousie) and Cochran may have an interview before the latter sails. 129

May 14,
London.

Cochran to the same. Sends statement respecting the accounts and finances of Lower Canada, which he should have sent before, but for repeated attacks of indisposition. Proposes to leave London on the 20th to sail for Canada, unless it is desired that he should remain longer. 158

Enclosed. General statement of the claims made by Lower Canada on the Imperial Treasury. The statement divided into various heads. (1) The nature and sources of the revenue raised and expended and the services to which it is applied. (2) The manner in which the accounts have been kept and submitted to the legislature since 1795. (3) The extent and grounds of the pretensions of the Assembly. (4) The deductions to which the balance claimed by them may be subject. These divisions are further sub-divided, dealing with each subject in detail, with financial tables. 160

May 17,
London.

Memorandum (No. 40) of the expenses of the civil government of Lower Canada for 1825; with list of the items rejected, amounting to £3,390 13s. 9d. Note by Dalhousie inquiring how the deficiency is to be met. 133

Remarks on the items disallowed follow. 135

May 18,
London.

Dalhousie to Bathurst (No. 39). There are no public works in which convicts could be engaged with advantage. They might be employed at the works on the citadel of Quebec or the dockyard at Kingston, but

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Quebec.October 1,
Quebec.November 17,
Quebec.

the public works at Bermuda he points out as the best place and means of employing convicts from any of the North American Colonies. The legal measures that would be necessary, must be provided by the Imperial parliament, otherwise the provisions would not be binding outside of the province.

Dalhousie to Wilmot Horton (No. 41). Returns draught of dispatch to Burton upon the appropriation bill, which meets the question perfectly. Has made some marginal observations. Cochran sails from London on 1st June; the dispatch to Burton might be sent by him.

The same to the same (No. 42). He need not apologise for not being at home. Would be glad to have a few minutes conversation with him before leaving for Scotland and might at the same time take his leave of Bathurst.

The same to the same (No. 43). Returns memorial from Capt. Ogden. His claim for 1,200 acres as a loyalist cannot be granted owing to the long delay. Deducting this, he is entitled to 800 acres as a captain. Cannot recommend his proposal to purchase 50,000 or 100,000 acres to the consideration of His Majesty's government.

The same to the same (No. 44). To prevent mistakes reports an interview with a deputation of gentlemen on the subject of a land company in Lower Canada similar to that proposed for the Upper province. Told them that he approved of the principle, but that there were various difficulties, which must be removed, that Gaspé is more free from these difficulties having more ample space to make the experiment.

Cochran to Adam Gordon. Explains the cause of the error into which he had led Wilmot Horton in writing the dispatch to Burton, two dispatches to which Burton was referred not having been officially registered. As they were, however, only referred to and the principle laid down in them was well known, the reference to these two dispatches in the letter was of little consequence, its purport not being altered or affected.

Dalhousie to Bathurst (No. 177). Arrived on the 16th and has resumed his duties of office.

The same to Wilmot Horton. Had no opportunity of visiting Gaspé on his way to Quebec, but sends copy of report made in 1820.

Enclosed. Copy of report of commissioners appointed under the "Act to secure the inhabitants of the inferior district of Gaspé in the possession and enjoyment of their lands". The report is voluminous.

Cochran to Wilmot Horton. Has not yet been able to get the information wanted respecting the emigration to Gaspé. Hopes to be able to send the information in the course of a few weeks.

GOVERNOR LORD DALHOUSIE, 1825.

Q. 172-2.

1805.

July 18,
Quebec.

Memorial of Bishop Dénaut. Enclosed in Dalhousie to Bathurst, 19th December, 1825.

1811.

July 3,
Quebec.

Opinion of Counsel. Enclosed in Dalhousie to Bathurst, 20th December, 1825.

1812.

May 15,
Quebec.

Memorial of Bishop Plessis. Enclosed in Dalhousie to Bathurst.

1817.

June 3,
Downing
Street.

Bathurst to Sherbrooke. Enclosed in Dalhousie to Bathurst.

June 6,
Downing
Street.

The same to the same. Enclosed in Dalhousie to Bathurst.

October 21,
Quebec.

Sewell to the same. This and the three immediately preceding letters were enclosed in Dalhousie to Bathurst, 19th December, 1825.

1825.

March 22,
Quebec.

List of Acts. Enclosed in Dalhousie to Bathurst, 1st October, 1825.

May 3,
York.

Answer respecting the Lower burial ground at Kingston. Enclosed in Dalhousie to Bathurst, 2nd November, 1825.

August 25,
Quebec.

Dubée to Cochran. Enclosed in Dalhousie to Bathurst, 1st October, 1825.

October 1,
Quebec.

Dalhousie to Bathurst (No 180). Dispatches received of which a list is sent. 271

October 1,
Quebec.

Dalhousie to Wilmot Horton. Report (in French) on the report of the commissioners enclosed in letter of date in margin contained in Q. 172-1. 224

(The report in vol. Q. 172-1 p. 189 is in English.)

Recensement et état général du district et comté de Gaspé. 260a

In English. 260b

October 1,
Quebec.

Dalhousie to Wilmot Horton. Sends letter respecting Charles Davy, from a person calling himself brother in law of Davy, which with the documents contained therein, contains all the information on the subject, and an inquiry as to Davy's other relations in France. 272

Enclosed. Dubée to Cochran (in French). Sends documents relative to the late Charles Davy, whom he describes as his brother-in-law instead of his father-in-law, as he says he married the only daughter of Charles Davy. Asks further information of the heritages in Normandy belonging to the family. 273October 1,
Quebec.

Dalhousie to Bathurst (No. 178). Burton having asked leave to return to Europe, thinks it is his (Dalhousie's) duty to send statement regarding Burton's salary as lieutenant governor, so that the amount overdrawn may be settled by proper authority. Sends statement, copy of which and of letter he has given to Burton. 261

October 1,
Quebec.*Enclosed.* Comparative statement of the sums drawn and of these authorized. 263

Dalhousie to Bathurst (No. 179). Sends in deal box copy of journals of the Council and of exemplifications of the Acts passed last session with a schedule of the Acts. The journals of Assembly are not yet ready. 264

Enclosed. List of the Acts passed last session (22nd March 1825.) 265

1825.
October 10,
Quebec.

Rev. John Barclay to Dalhousie. Enclosed in Dalhousie to Bathurst, 2nd November, 1825.

October 11,
Quebec.

Finlay to Cochran. Enclosed in Dalhousie to Wilmot Horton, 12th November, 1825.

October 22,
Quebec.

Report of the Attorney General (Stuart) to Dalhousie. Enclosed in Dalhousie to Bathurst, 20th December.

October 25,
Quebec.

Dalhousie to Bathurst (No. 181). Has given leave of absence to Coltman, whom he introduces and strongly recommends. Page 275

October 26,
Quebec.

Caldwell to the Attorney General (Stuart). Enclosed in Dalhousie to Bathurst, 20th December.

Schedule attached.

October 29,
Quebec.

Report of the Attorney and Advocate General. Enclosed in Dalhousie to Bathurst, 20th December.

October 31,
Quebec.

Comparative statement. Enclosed in Dalhousie to Bathurst, 1st October, 1825.

November 1.

Extract from a private letter on the corn trade. Enclosed in Dalhousie to Bathurst, 12th November, 1825.

November 21,
Quebec.

Dalhousie to Bathurst (No. 182). Hale, Receiver General, has been lately called to Albany by Barclay, commissioner for settling the boundaries, but his public duties prevent him from going. Asks that the reason be reported to the Secretary for Foreign Affairs. Page 277

November 2,
Quebec.

The same to the same (No. 183). Transmits papers respecting disputes at Kingston between the Episcopal and Presbyterian congregations. Asks for a speedy decision. 279

Enclosed. Rev. John Barclay to Dalhousie, 10th October. States grievances to which the members of the Scotch Church at Kingston and he in particular have been subjected to in respect to the rights of marriage and burial. A minister of the Church of Scotland is prevented by law from solemnising marriages where the one or the other of the parties to be married has not been for six months a member of his congregation, so that members applying for marriage have to be sent to the Episcopal clergyman. For this reason also a clergyman of the Church of Scotland cannot solemnise the marriage of a brother clergyman. This law is peculiar to Upper Canada; there is no similar restriction in any other British possession. What, he asks, have the clergy of the Church of Scotland done that they should be laid under disabilities which are unknown to her ministers in any other colony. The grievance respecting the lower burying ground at Kingston, the determination of which must determine the decision in all other cases. The interments have been interfered with by the Episcopal clergyman, who maintains his right to read the service of his church over every body interred there. At the time the ground was marked out there was no clergyman of the Church of England there, and the garrison chaplain was a clergyman of the Church of Scotland. On this ground, therefore, the minister and congregation of the Scotch Church might hold that the cemetery belonged exclusively to them, but they have no desire to do so, but only to have their right acknowledged equally with the Church of England, both being established Churches in the mother country, and by the Act of union hold equal rights in British Colonies. The right of the Church of Scotland to have their dead buried in the cemetery according to the forms of their own Church has been refused by the government of Upper Canada. Does not know exactly on what ground his request, but hopes that His Majesty's government. 281

Papers relative to the lower burial ground in Kingston, Upper Canada, namely, (1) Answer of Sir Peregrine Maitland in Council maintaining the right of the rector and church wardens of St. George's Church, Kingston to control the lower burying ground. 289

1825.

- (2.) Observations on the answer. Page 293
 (3.) Affidavit of John MacIntyre. 297
 (4.) Affidavit of Hon. Neil McLean. 300

November 5,
Quebec.

Dalhousie to Bathurst (No. 185). The deranged state of the finances and public accounts compelled him to make certain arrangements which he asked to be sanctioned. Coltman, the chairman of the audit committee is unable from his health to attend to business and there is no hope that he will be able to resume his public duty. Young, the Inspector General, was absent on leave, so that both these duties had to be arranged for. The retrenchments he proposes are embodied in the memorandum enclosed (No. 1), also the proposed arrangements in No. 2. 301

Enclosed. Extract from report of Committee to the whole Council. Should the committee of audit be abolished the inspection of accounts should be continued by an Inspector General and the audit of the accounts should be in the hands of an Auditor General. During the absence of Coltman and Young the duties should be carried on by temporary appointments. 305

Memorandum. Leave of absence is given to Coltman and Joseph Cary is to do his duty. Jasper Bruce to continue doing the duty of Inspector General in the absence of Young. 306

Proposed final arrangement. The Board of audit and chairman to be discontinued and an Auditor General appointed. The salaries to be paid. Young to be appointed Auditor General and Cary, Inspector General. 307

November 11,
Quebec.

Dalhousie to Bathurst (No. 186). It having been decided that Drummond Island is within the limits of the United States he had to decide on the next best post. For various reasons had settled on the Falls of St. Mary as the most advantageous post for which he wishes no greater establishment than what existed at Drummond Island. The houses bought from the Hudson's Bay Company require to be added to. 309

November 12,
Montreal.

Memorial of Montreal Merchants enclosed in Dalhousie to Bathurst, 20th December. 310

November 12,
Quebec.

Dalhousie to Bathurst (No. 187). Sends requisition for stationery for the civil department of Lower Canada. 312

November 12,
Quebec.

The same to Wilmot Horton. Riots at Lanark from idly disposed emigrants brought by Robinson. As soon as their rations were stopped the one half of those who had first arrived with Robinson left, those who remained were well behaved and doing tolerably well. The second party brought out by Robinson were still in camp at Kingston in September and were to be moved to Rice Lake. They were too late; believes that they also will move away when their rations are stopped. His objections to this system of emigration given in detail. Recommends the district of Gaspé, especially the part bordering on the Bay of Chaleurs as better fitted for emigration than Upper Canada. The advantages of the district, but due notice should be sent to government so that the necessary preparation could be made, Gaspé not being capable at that time of furnishing the supplies needed. What preparations are required? If approved of, hopes the encouragement will be extended to persons from England and Scotland as well as from Ireland. One other settlement may be placed on the Ottawa, but to be confined to emigrants who pay their own passages, another about 100 miles below Quebec on the St. Lawrence to open up a communication with various parts of New Brunswick. 313

November 12,
Quebec.

The same to the same. The importance of admitting wheat from Canada into Great Britain. Sends paper respecting the trade. 320

Enclosed. Memorandum on the admission of Canadian wheat into the British markets. 321

Noveml
Montre
Noveml
Quebec.
Deceml
Quebec.
Deceml
Quebec.

1825.

Wheat exported from the port of Quebec since the year 1815, when the war in Europe and America terminated. Page 326

This paper contains the average prices and other information for ten years.

Finlay to Cochran. Sends statement of wheat, flour and biscuit exported from 1802 to 1824; the principal part of the wheat went to Great Britain, the flour to the neighboring provinces, West Indies and Newfoundland, and the biscuit almost entirely to the latter. 330

Statement of wheat, flour and biscuit exported. 331

Extract from a private letter on the wheat trade of Canada, 1st November, 1825. 332

November 19, Richardson to Dalhousie. Enclosed in Dalhousie to Bathurst, 20th December. 333

November 23, Dalhousie to Wilmot Horton (private). Reports that owing to a fall the Roman Catholic Bishop is in imminent danger of life. 335

December 2, Report of a Committee of Council. Enclosed in Dalhousie to Bathurst, 20th December. 336

December 19, Dalhousie to Wilmot Horton. Questions arising on the death of the Roman Catholic Bishop to be settled in respect to his successor. If he accept, the letters patent, the annual allowance of £1,000 and the Bishop's palace during his incumbency, would accompany this, if he refuse, the accompanying advantages must be withheld. If he accept them the King's supremacy is acknowledged. The collation of the parochial Roman Catholic clergy should then be provided for by the Crown, which could be effected by an Order in Council, being more effectual than an Act of Parliament, the latter implying a doubt of the power of the Crown. An opinion was given in 1811 by the law officers, which was clear and decided. Transmits copy of Monk's paper; if he receive instructions in accordance with it, these will be carried into effect without difficulty, will be received "with satisfaction by the far greater portion of the parochial clergy themselves, it will strengthen His Majesty's Government and will lead to a much more cordial feeling in the country between Protestant and Catholic," should this opportunity pass, cannot hope that another equally favourable will present itself. 381

Opinion of Counsel, 3rd July, 1811, on the questions: (1) Whether the right of presentation to vacant Roman Catholic livings in the province of Lower Canada be in the Crown. (2.) Whether the Crown has not the right of property in the estates commonly called the seminary estates of Montreal. Their regret that such questions should have been left so long unsettled and a sort of possessory title should seem to have been tolerated which from long continuance it may be difficult to disturb. As a matter of right, so much of the patronage of the Roman Catholic benefices as was exercised by the Bishop of Quebec under the French government has of right devolved to His Majesty. Reasons for coming to this conclusion, given in detail and authorities quoted, that the Sulpicians have no valid title to the seminary property. Even if the seminary at Paris came under the terms of the treaty, that persons absent from Canada could sell by their agents or attorneys their movables or immovables, the Sulpicians in Canada had not the legal capacity to hold lands detached from the general body at Paris, but under all the circumstances they suggest a compromise, so that His Majesty could be restored to his rights without having recourse to law, which after such forbearance may have some appearance of hardship. 385

Project of Chief Justice Monk for additional royal instructions for Lower Canada respecting the King's supremacy upon the collation and appointment of Roman Catholic priests to Parish churches. 392

1825.
December 19,
Quebec.

Dalhousie to Bathurst (No. 188). Death of Bishop Plessis. The forms necessary to be used on the appointment of his successor. A decision on this point asked for. Sends papers to show what is required by the Roman Catholic Church and what has been done in the cases of Bishops Denaut and Plessis. Until the King's pleasure is known, the functions of the Superintendent of the Roman Catholic Church in Canada devolve on Panet, Coadjutor. If Panet should be acknowledged, he (Bathurst) has the nomination of the Coadjutor. The difficulty of determining the forms of appointment prevent him from touching it beyond transmitting a letter from the Chief Justice to Sherbrooke in 1817, and copy of a form proposed by a friend of the late Bishop. Difficulty of arranging the differences respecting the form can only be decided by a settlement with the Pope, by which the conscience of the head of the Roman Catholic Church in Canada may be satisfied and the King's rights preserved. Advises against giving the new Bishop a seat in the Council. Has no doubt of the loyalty of the late Bishop nor that of his successors, but he had been for a year the active head and supporter of the party which under Papineau has so much disturbed the harmony of the Legislature and done so much mischief. His successor may not take such a part, but the influence of the Roman Catholic Bishop is so great as to destroy the freedom of debate and conduct essential in the constitution of Parliament, the influence extending beyond the house in which the seat is held. The influence given by the removability of the Clergy, were this changed and the parochial clergy collated to their charges by an instrument under the hand and seal of the Governor, his objections to the admission of the Bishop to the Council would be greatly removed. Recommends Bernard Claude Panet to be Bishop, the style and title of Roman Catholic Bishop of Quebec to be conferred upon him by letters patent, that on his acceptance he should receive £1,000 per annum and that the Bishop's palace be granted to him the same as to his predecessor. Recommends Revds. Messrs. Demers, Turgeon and Signay as meriting the distinction of being coadjutor. The first two have earnestly declined nomination, therefore recommends Signay as deserving of the position.

Page 336

Memorial of Bishop Denaut for civil recognition to himself and successors and that they might enjoy such prerogatives, rights and temporal emoluments as the king might attach to the dignity.

344

Memorial by Bishop Plessis, concerning the Roman Catholic Church, in Canada. (1.) What the Bishops were before the conquest. (2.) What they were after the conquest, and (3.) What it was desirable to be in the future. The memorial gives an account of the erection of the diocese in 1664, and of its history from that time. There are added proposals for its future government.

348

Bathurst to Sherbrooke, 5th June, 1817. The Roman Catholic Bishop of Quebec, appears to have fallen into the same mistake as the Roman Catholics of Canada in 1763, when the Secretary of State, the Earl of Egremont, found it necessary to explain that the 4th clause of the treaty did not mean that they were to possess the worship of their religion as before the conquest, but only as far as the laws of Great Britain permit. The proposal of the French Minister to insert the words "comme ci devant," so that the Romish religion should continue to be exercised as under the French government was persisted in till they were plainly told that it would be deceiving them to admit of these words, for the king had not the power to tolerate that religion in any other measure than, "as far as the laws of Great Britain permit." As these laws prohibit a popish hierarchy in any of His Majesty's dominions, so that all measures that tend to establish such a power, must be adopted with circumspection, it can only be a very favourable construction of the

December
Quebec.

December
Quebec.

December
Quebec.

1825.

laws, that can authorise His Majesty to acknowledge Dr. du Plessis as the Roman Catholic Bishop, his loyalty and zeal have led to the distinction of a seat in the Council, but neither the distinction nor acknowledgement are to be considered as matters of course, but must depend on the circumstances of the case.

Page 364

Bathurst to Sherbrooke, 6th June, 1817. Has considered the letter recommending Dr. du Plessis to a seat in the Council and his application to be considered formally as Roman Catholic Bishop of Quebec. Concurs with Sherbrooke in opinion of the merits and public services of that prelate and gladly avails himself of every opportunity of evincing the sense His Majesty's government entertain of the uniform propriety of his conduct whilst he has been superintendent of the Roman Catholic Church. Has submitted his name to the Prince Regent and shall send *mandamus* appointing him to the Council under the style and title of "Bishop of the Roman Catholic Church at Quebec". His successors are not to be entitled to these dignities unless the king shall issue a special act for the purpose.

367

Sewell to Sherbrooke, 21st October, 1817. The difficulties likely to occur in calling Mr. Plessis, titular Bishop of Quebec, to the Legislative Council. The question of admission being settled will discuss only the manner of doing so. The Prince Regent has determined to call Plessis to the Council giving him the style and title of Roman Catholic Bishop of Quebec. Plessis insists that in the writ he shall be addressed as such, thus recognising him as having a legal right to the title and acknowledging that the Sovereign Pontiff has the right to appoint and advance in rank and office his dependents in the British dominions; in other words a recognition of the Pope's supremacy. To enable Mr. Plessis to take his seat in the Council as Roman Catholic Bishop of Quebec, he must submit to be created such by letters patent. Gives at some length the grounds of this opinion.

369

Formula for letters patent for the Roman Catholic Bishop of Quebec.

379

Dalhousie to Bathurst (No. 189). Has called on the law officers for a draught proclamation promulgating the directions for establishing the British metallic currency. They report that such proclamation would be in contradiction to an Act of the legislature so that he cannot issue the proclamation which can only be carried into effect by legislative enactment. Will recommend the subject to the legislature at its meeting in January, but doubts if it will alter the existing laws.

399

Enclosed. Report of the Crown lawyers on the proposed proclamation respecting British metallic currency. The values are given which it is proposed to establish. The contemplated measure being in contradiction to an Act of the provincial legislature, they have postponed framing a proclamation.

401

Dalhousie to Bathurst (No. 190). Transmits memorial from a large body of the inhabitants of Lanark and adjoining townships, praying that on special grounds the remainder of the debt due by them to government may be remitted.

406

Enclosed. Petition for the remission of the debt due by the inhabitants of Lanark and adjoining townships.

407

(The names are attached to the petition.)

Dalhousie to Bathurst (No. 191). Transmits report of the attorney general of the progress of the legal proceedings against Caldwell, late receiver general. Judgment has been obtained for £96,000. The next step would be a execution for the sale of the property, but as he is ordered to report what would be the most advantageous method of disposing of the property, transmits Caldwell's offer to give up all his property but the seigniori of Lauzon, that to be kept for one or more years till the

December 20,
Quebec.

December 20,
Quebec.

December 20,
Quebec.

1825.

question of the entail on hisson is settled. The delay that would be caused by litigation and the difficulties in respect to the sale of the properties. Page 416

Report 2nd October 1825 of the Attorney General on the proceedings taken by him against Caldwell for the recovery of the debt due by him to government. 420

Report (2nd December) of the committee of Council on the proposals of Caldwell. That as the Attorney General entered suit against Caldwell by special orders of the Treasury the committee can not recommend any step to be taken without the previous sanction of the Treasury. 424

Caldwell to Attorney General, 26th October. Had made every admission to facilitate the proceedings of government against him. Instead of a forced sale of his property, asked that it be placed in the hand of trustees on behalf of the King. Offers also to give up his interest in the seignior of Lauzon, whatever it might be, on condition that he retain possession of the same on paying £2,000 a year in quarterly payments. Other considerations. 426

Schedule of property which Caldwell proposed to surrender immediately. 432

December 20,
Quebec.

Dalhousie to Wilmot Horton. Transmits representation from merchants at Montreal respecting the admission of Canadian corn (wheat) into the ports of the United Kingdom, which confirms what he had previously reported. 433

Enclosed. John Richardson to Dalhousie, 19th November. Transmits memorial respecting the late corn bill. 434

Memorial of Montreal Merchants respecting the restriction to one year of the act for allowing the importation of Canadian wheat into the United Kingdom. 436

December 21,
Quebec.

Dalhousie to Bathurst. Sends requisition for Indian presents which includes articles for the next annual payment for the lands purchased in Upper Canada in 1818, 1819. Since the report was made out has learned from Maitland of the purchase of a tract of land from the Chippewas in the neighbourhood of Lake Erie to be paid in the yearly sum of £1,100 in goods at Montreal prices. This will render an additional demand necessary, but as it will take some days to prepare the new requisition, sends on the present. 442

Return of Indians in Upper and Lower Canada for whom presents are intended. 444

Requisition for presents for 1826. 444a

No date.

Project of Chief Justice Monk enclosed in Dalhousie to Bathurst 20th December.

Q. 173-1-2.

PUBLIC OFFICES, 1825.

(Part 1 is paged from 1 to 204; part 2, 205 to 385.)

1824.

November 25,
Quebec.

Dundon to Carter. Enclosed in Goulburn to Wilmot Horton, 2nd May, 1825.

December 11,
At Sea.

Certificate of P. Grondin.

December 21,
Marseilles.

Turnbull to Canning. Both enclosed in Planta to Wilmot Horton, 21st January, 1825.

1825.

January 18,
War Office.

Lukin to Hobhouse. Enclosed in Hobhouse to Wilmot Horton, 21st January, 1825.

1825.

January 19,
Horse Guards.

Taylor to Wilmot. Sends for Bathurst's consideration petition from Lieut. Francis Mari de Lorimier and William Lorimier de Verneuil, interpreters in the Indian department. Page 9

Enclosed. Petition of François Mari de Lorimier. 10

Petition of William Lorimier de Verneuil. 13

(Both petitions are for the restoration of the pay they had during the war.)

January 21,
Foreign office.

Planta to Wilmot Horton. Sends copy of dispatch and inclosure that two British seamen, natives of Quebec, had been picked up at sea by a French merchant brig. 39

Enclosed. Turnbull to Canning, 31st December, 1824. Encloses certificate from the master of the French brig "Le Télégraphe," that he had picked up at sea two British seamen belonging to Quebec. 40

Certificate by P. Grondin (in French) of having picked up the two men at sea. 41

January 21,
Whitehall.

Hobhouse to Wilmot Horton. Sends copy of letter from the chief clerk of the War Office respecting a soldier named Walter Martin, banished from Quebec for felony. Has the governor of Lower Canada informed Bathurst? 48

Enclosed. Lukin to Hobhouse. Martin was taken up as a deserter, but the documents show he was handed to the civil power in Quebec, convicted of felony and banished for life. Secretary Peel to be informed of it, so as to give such instructions as may be necessary. 49

February 5,
Ordnance.

Griffin to Wilmot Horton. No answer has been received to the letter of 27th December requesting payment of the value of arms, and other articles issued to the militia in the Montreal district. Asks for an early answer. 153

February 14,
Treasury.

Harrison to the same. In reference to the bridge proposed to be built between Kingston and Points Frederick and Henry, the Lords of the Treasury consider it would be more expedient to allow it to be built by private persons, and when finished to allow them £300 a year for the use of the bridge for military services. 201

February 14,
Treasury.

Harrison to Wilmot Horton. In reference to the defalcations of Caldwell, Receiver General, requests to be furnished with copy of royal instructions mentioned in the address from Lower Canada, and copies of some of the money bills passed in Lower Canada. 200

February 15,
London.

Gregory to Wilmot Horton. Transmits copy of petition relative to steam communication between Great Britain and Ireland and British North America. 358

Enclosed. Petition respecting steam communication, its practicability, convenience and security, asking for exclusive privileges. 359

February 15,
London.

Fitzgerald to Wilmot Horton. Sends explanation of a petition now before the King in Council, and asks that it be submitted to Bathurst with a view to obtain his favour. Asks him to refer to Dalhousie and other local authorities. 372

"Considerations on behalf of the persons whose petition for a charter for establishing steam navigation between the west of Ireland and British North America is now before the Privy Council respectfully submitted to Earl Bathurst." The paper sets forth the advantages of the proposal at considerable length. 373

February 18,
Whitehall.

Stephen to Wilmot Horton. Has examined the claims put forward by Butterworth, of the Iroquois Indians to the seigniori of Syllery (Sillery) which he reports to be unfounded, agreeing with previous reports. Any question of their loyalty, meritorious services and poverty adduced as reasons in favour of the concession they are soliciting, are beyond the scope of his report. 61

March 2,
Ordnance.

Griffin to the same. Again reminds him of the failure to pay the value of arms, etc., issued to the militia of the district of Montreal. 154

1825.
March 17.
Whitehall.

Stephen to Wilmot Horton. Reports his opinion that the complaints against Doucet are unfounded, and that he has sufficiently answered the charges made against him by the Indians and Sir John Johnson. Page 68
Planta to the same. Transmits a letter which had been improperly addressed to the Foreign Office. 42

March 24.
Foreign office.

March 30.
Treasury.

Harrison to the same. The collector and comptroller of customs at Quebec have been charging 2½ per cent on the duties collected under the Act 3 Geo. IV chaps. 44, 45 instead of under 3 George IV chap. 119. They are to repay the amount collected under the former Acts, and to be allowed the percentage on the duties collected under chap. 119. 202

April 1.
London.

Palmerston to Wilmot Horton. Did Dalhousie come home on his own affairs, or was he sent for? In any event was his correspondence with the Colonial office so great that he required the help of an aide-de-camp? 195

April 2.
Ordnance.

Griffin to the same. Repeats the demand for payment of arms, &c., issued to the district of Montreal, which was made on 27th December, 5th February and 2nd March. Hopes to have an early reply. 155

April 7.
S. Saye.

Wellington to the same. Is sending a commission of engineer officers to examine and report on the defences of British North America, at the head of which is Sir James Carmichael Smyth. Asks that Bathurst send instructions to the officers in command in Upper and Lower Canada, Nova Scotia and New Brunswick, to give every assistance in their power to the commission. 156

April 19.
Dublin.

Carter to Goulburn. Enclosed in Goulburn to Wilmot Horton, 2nd May.

April 16.
Lincoln's Inn
Fields.

Montgomery Campbell to Wilmot Horton. As requested, the Society for the propagation of Christian knowledge will send a supply of Bibles to the Bishop of Quebec, and as he asks for an increase will send to the amount of £400 instead of £300 as had been previously sent. 220

April 19.
War Office.

Palmerston to Wilmot Horton. Asks him to return the enclosures in letter from him (Palmerston) in reference to Dalhousie's expenses. 196

April 25.
Ordnance.

Griffin to the same. Sends copy of instructions to the commission of Engineer officers sent to examine the defences, &c., of the colonies in British North America, and also copy of letter sent to Sir James Carmichael Smyth, one of the commission. 158

Enclosed. Instructions to Sir James Carmichael Smyth. 159

Wellington to Smyth. Sends letter from Bathurst, enclosing one from Dalhousie on the subject referred to in paragraphs 6 to 11 of instructions. He (Wellington) would prefer a railway to a military road. 185

April 26.
Ordnance.

Fitzroy Somerset to Wilmot Horton. Copy of communication from Maitland received for the purchase of lands adjacent to the works at the Citadel Hill, Quebec. The subject has been referred to the commissioners lately sent to Canada. 186

May 2.
London.

Goulburn to Wilmot Horton. Transmits extract from letter from Carter, chief magistrate of police, with a letter from an individual to whom it would be a great object to obtain the employment he asks for in Quebec. 221

Enclosed. Carter to Goulburn, extract, 10th April, 1825. Transmits copy of letter from the first person who gave information that enabled him (Carter) to bring to justice the principal actors in many of the most serious outrages. Asks that directions be sent to employ him in the King's works at Quebec as he is afraid to go to Upper Canada to take up the land granted him. 222

Dundon to Carter, 25th November, 1824. Reports the abuse and threats directed against him and asks to be replaced in the King's

May 7.
Dublin
Castle.

May 13

May 16.
Foreign

May 18.
London.

May 20.
London.

May 25.
London.

May 27.
Treasury

May 31.
Admiralty

June 1.
London.

June 1.
London.

June 14.
Carlton
House.

July 7.
London.

1825.

May 7,
Dublin
Castle.

May 13,

May 16,
Foreign office.May 18,
London.May 20,
London.May 25,
London.May 27,
Treasury.May 31,
Admiralty.June 1,
London.June 1,
London.June 14,
Carlton
House.July 7,
London.

works. Attempts have been made on his life and his landlord has been threatened.

Gregory to Wilmot Horton. David Nagle, capitally convicted at Cork in 1823, of Whiteboy offences, has been pardoned and promised a free passage to Canada and a grant of land. Asks Bathurst to recommend the passage and grant.

Markland to Wilmot Horton. The gentlemen who are about to form the Land Company for Lower Canada are unable to make a tender owing to their want of knowledge of the quantity of the reserves and their relative situation. Is such information to be got in the Colonial Office?

Planta to Wilmot Horton. Sends extracts from an order by the House of Lords for the production of papers mentioned therein.

Lord Conyngham to Wilmot Horton. Asks that letters for Sir Francis Burton may be sent by the first dispatch from Bathurst's Office.

Dalrymple to Wilmot Horton (?) When can a deputation from the Lower Canada Company obtain an interview with Bathurst, on the subject of purchasing the Crown and clergy reserves in Lower Canada?

Statement of the terms and conditions on which it is proposed to form the Lower Canada Company.

(Undated, for the date see letter from Dalrymple of 18th July). Harrison to Wilmot Horton. Sends copy of letter and enclosure from Turquand, Montreal, respecting the arrangements for paying into the military chest the amount from the sale of the East India Company's teas in Canada.

Enclosed. Turquand to Harrison, 2nd April. The difficulty stated by Forsyth, Richardson & Co. to exist in raising specie to pay into the military chest the duties collected on tea is correct, most of the payments in trade being made in paper. Cannot conceive of any loss being suffered by the accommodation to the East India Company of paying into the military chest in paper, but this should not be extended to others.

Forsyth, Richardson & Co., 31st March. The difficulty of obtaining specie to pay into the military chest on account of the East India Company.

Copy of Treasury minute of 17th May, 1825. The Treasury declines to authorise the acceptance of bank bills by the military chest.

Croker to Wilmot Horton. Lord Dalhousie can inform him of everything relating to the enclosed.

Order of the House of Lords for all correspondence with the governments of Upper and Lower Canada on the probable expense and means of collecting the duty to be imposed on corn and flour imported from the United States into the provinces.

Order of the House of Lords for copies of memorials, petitions or remonstrances from the legislature of Upper or Lower Canada on the subject of the existing corn laws.

Order in Council appointing Charles Etienne Chaussegros de Léry to be a member of the Executive Council.

Pelly to Bathurst. In compliance with conditions of licence, sends list of all employed by the Hudson's Bay Company, during 1822, 1823 and 1824. Had sent resolutions respecting the administration of justice, which he was informed had been approved of by government. Orders sent to diminish the quantity of spirits distributed to the Indians and to abolish the practice entirely when it could be done with safety. The governors and chief factors had at once carried out these resolutions in respect to bartering spirits for furs and in lessening presents of spirits

1825.

at the opening and closing of the hunting season. More caution, would, however, be required in regard to the Indians of the plains and for some years it might still be necessary to barter spirits with them for provisions to a limited extent, but every effort will be made to reduce the quantity and to secure this they had sent only one half the quantity usually sent, the quantity not being more than one twelfth of that which used to be supplied by the Hudson's Bay and North West Companies. The abolishing the excessive use of spirituous liquors, is the first step towards the moral and religious improvement of the native Indians. A church and school house have been erected at Red River settlement and the Church Missionary Society has liberally contributed towards the conversion and education of the native Indians, but it is difficult to keep them together owing to their hunting for subsistence and trade. Page 241

Enclosed. Duplicate register of persons employed from 1st June, 1821 to 1st June 1822. 246

(This list contains 1,984 names).

The same from 1st June, 1822 to 1st June, 1823. 276

(This list contains 1,718).

The same from 1st June, 1823 to 1st June, 1824. 304

(This list contains 1,324 names).

The first list is general, showing no distribution into different departments. The second and third lists have divided the persons employed among the Northern, Southern and Montreal departments.

July 11.
Reigate.

Petition of John William Greece. Enclosed in Grenville to Wilmot Horton, 9th December, 1825.

July 18.
London.

Dalrymple to Wilmot Horton. Calls attention to proposals pre-ented to him and Bathurst on the 25th May, for the purchase of Crown and clergy reserves in Lower Canada, and again asks for an interview for a deputation. 338

July 19,
Horse Guards.

Taylor to the same. To move Bathurst to direct the Navy Board to provide tonnage for the 79th, to relieve the 37th regiment to be brought back in the same vessels. 16

August 4,
Whitehall.

Stephen to the same. Transmits proposed proclamation to be issued by Dalhousie for giving effect to the tenure bill, Canada, and draught of a letter, explaining the object of the proclamation. 92

Enclosed. Bathurst to Dalhousie, 12th August (a draught). Transmits Act passed for the extinction of feudal tenure and copy of proclamation. 93

Proclamation for bringing into effect the Act to provide for the extinction of feudal rights in Lower Canada. 96

August 6,
London.

Davidson to Wilmot Horton. Presumes he is about to be addressed by several respecting the formation of a company for Lower Canada. Has seen Col. Mayne's project; had introduced him to Andrew Stuart, who can give him valuable information. W. B. Felton is also forming a company. If one should be formed, it should be made a condition that it should settle gradually the district of Gaspé on the one side and from the Saguenay upwards on the other. Probable feeling in respect to granting the whole of the waste lands of the Crown. The Crown and clergy reserves are considered as any other monopoly would be, but were the whole of the waste lands of the Crown disposed of to a company there would be great dissatisfaction, as the population would consider itself placed in the hands of land speculators so that there would be constant representations and annoyances. 339

August 10,
Orinance.

Fitzroy Somerset to the same. Requests the return of Cunningham's application for a passage to North America that he may be answered. 187

August 11,
Whitehall.

Stephen to the same. Reports on the case transmitted by the Society for the Propagation of the Gospel. If it is to be the basis of the

1825.

- reference to the law officers, any legal question so referred would be inconsistent with the practice of His Lordship's office. Discusses the case minutely and at some length. Page 103
- August 19, Admiralty. Croker to Hay. Orders have been sent to Capt. Leeke of H.M.S. "Herald" to afford Sir Francis Burton a passage. 4
- August 26, Foreign office. Planta to Hay. Sends a memorial which had been addressed to the Secretary for foreign affairs. 46
- No date. Hamilton to Wilmot Horton. Sends extracts from the proceedings of the Society for the Propagation of the Gospel to which Bathurst's attention is directed. 228
- August (?), Dublin Castle. *Enclosed.* Resolution of the Society that Bathurst be applied to that he may be pleased to issue instructions to the Governor and Lieutenant Governors of the Canadian provinces to endow parishes already erected and to erect and endow others wherever practicable in conformity with the clauses of the Act 31, George III. 229
- September 7, Dublin Castle. Extract from the Act 31, George III, Cap. 31, sec. 38, 39. 230
- September 10, Downing Street. Goulburn to Dawson. Enclosed in Dawson to Wilmot Horton, 12th September, 1825.
- September 12, Whitehall. Felton to Wilmot Horton. Asks if he may present the papers relating to the Lower Canada Land Company. 342
- September 15, Treasury. Proceedings and resolutions at a meeting held to take into consideration certain resolutions, &c., transmitted from Lower Canada, of which Felton was the bearer. 343
- September 17, Whitehall. Statement exhibiting the approximate amount of Crown and clergy reserves, and of ungranted waste lands in the townships in the districts of Montreal and Three Rivers. 357
- September 19, Whitehall. Map of the same townships. 357a
- September 24, Doctors' Commons. Dawson to Wilmot Horton. Sends copy of letter from Goulburn that the law officers of the Crown in Ireland do not advise that any criminal proceedings be taken against the captain of the "Sir James Kempt," for alleged murder. 50
- September 28, Horse Guards. *Attached.* Memorandum by Nesbitt that his son had been murdered and robbed by two men on board the "Sir James Kempt," and the captain, so far from prosecuting the murderers, had bought some of the property from them. 51
- September 29, Whitehall. Goulburn to Dawson. The law officers of the Crown cannot recommend the prosecution of Kay, the master of the "Sir James Kempt," for murder, and even on the charge respecting the property there is no sworn evidence. 52
- September 30, Whitehall. Herries to Wilmot Horton. In reference to the pension of £500 a year to be granted to the widow of the late Dr. Mountain, the Lords of the Treasury are not aware of any fund on which it could be charged. 215
- October 1, Whitehall. Lack to the same. The Lords of Trade see no objection to the Act for the encouragement of education in the country parishes of Lower Canada. 37
- October 2, Whitehall. The same to the same. Returns Acts 406, 410 and 411, passed in Lower Canada in 1821, the Lords of Trade having no remarks to make on them. 38
- October 3, Whitehall. Chris. Robinson to Bathurst. Transmits draught of the appointment of Dr. Stewart to be the Bishop of Quebec. 55
- October 4, Whitehall. *Enclosed.* Draught of appointment. 56
- October 5, Whitehall. Taylor to Wilmot Horton. Sends extract of letter from Sir J. Carmichael Smith relative to the Canadas. 17
- October 6, Whitehall. *Enclosed.* Extract (the name is here given properly as Smyth). His interesting tour; remarks on defence; is opposed to the union of Upper and Lower Canada. 18

1825.
October 14.

Hamilton to Bathurst. Has received application on behalf of Kelly for a clerical appointment in the Canadas. The society is not in a position to extend their operations, and there are at present no vacancies, but Mr. Kelly will be put on the list of applicants. Page 233

October 27,
Whitehall

Stephen to Wilmot Horton. Sends draught of the intended correspondence between the Colonial Office and Felton respecting the proposed Lower Canada Company. 107

Enclosed. Draught of letter from Felton to Bathurst respecting the formation of a land company in Lower Canada. 108

Draught of answer, with conditions on which Felton's proposals would be approved. 114

The letter contains a statement of the number of acres in the Crown and clergy reserves in the townships in the districts of Montreal and Three Rivers, south of the St. Lawrence; the name of each township is given with the number of acres in each, beginning at 119

Draught of letter from Bathurst to Dalhousie, referring to the preceding letters for his report on them. 139

October 27,
Tunbridge
Wells.

Draught of a letter to be addressed to Felton by Wilmot Horton. Stephen to Wilmot Horton (private) Explains the nature of the correspondence, sent in the public letter of same date, including that from Felton, as necessary to bring the proposals of the land company officially before Bathurst. 143

October 27,
Ordnance.

Fitz Roy Somerset to the same. With reference to the purchase of lots of land adjoining the works at the Citadel Hill, Quebec, the Master General has ordered a communication to the Treasury recommending the purchase. 188

November 1,
Admiralty.

Barrow to the same. In reference to the letter of 8th July, respecting a passage for the Bishop of Quebec and family and Sir Francis Burton, in H.M.S. "Herald", the Admiralty requests that he (Wilmot Horton) will inform Bathurst that the "Herald" has arrived at Portsmouth bringing Burton and his secretary and Mrs. Mountain and the family of the late Bishop. Is the public to pay the expenses? If not will Bathurst direct the parties to do so? 5

November 11,
Admiralty.

Barrow to Wilmot Horton. To move Bathurst to have the money advanced by Dyer to Captain Leeke for the expense of conveying persons in H.M.S. "Herald" repaid. 7

November 12,
Horse Guards.

Attached. List of persons. 8
Sir Richard Jackson to the Adjutant General. Enclosed in Torrens to Wilmot, 30th December, 1825.

November 22,
Quebec.

Darling to Simon McGillivray. Dalhousie has lately written to Bathurst on the subject of the proposed purchase of the establishment at the Falls of St. Mary, and only waits His Lordship's sanction to pay the money and take possession. 326

December 6,
London.

Wellington to Bathurst. Sends report of the commission on defence of British North America. Canada could not be given up, but must be defended; what should be done in time of peace. The importance of communication between Upper and Lower Canada, and with Lower Canada, New Brunswick and Nova Scotia. Strongly urges the importance of these points. The importance of settling the boundary on Lake Champlain and New Brunswick. The fourth object is the military work proposed. Is confident that with the work proposed carried out, Canada would be effectually defended and secured against any attempt. If works of defence are not carried out it cannot be expected that the inhabitants, on whose loyal and gallant exertions dependence must be placed in the end, would be prepared to sacrifice their lives and property. 189

1825.
December 9, Whitehall. Grenville to Wilmot Horton. Transmits petitions from John William Grece for remuneration for part of his property taken for the use of government with extract from the report of the law officers. Page 25
Enclosed. Petition of John William Grece, 11th July, 1825. 27
Papers relating to the claim. 31 to 35
- December 16, Treasury. Harrison to Wilmot Horton. In reference to the letter requesting payment of the passage money by the "Herald", of the Earl of Dalhousie, Sir Francis Burton and Mrs. Mountain, widow of the late bishop, the service on account of the latter does not justify the Treasury to direct it to be paid out of the money voted for the civil expenses of government, yet under the circumstances they recommend that it be paid out of His Majesty's special service. 217
- December 16, Portsmouth. Collector and Comptroller of Customs to Bathurst. A bag apparently containing dispatches, has been landed from the "Ottawa" sealed by them and transferred to the Post Office. If not delivered in due time it should be reported. 234
Enclosed. Receipt. 235
- December 22, War Office. Merry to Wilmot Horton. To send an account of the salary and emoluments of the civil situation of D. C. Napier, late of de Meuron's regiment, who wishes to receive his half pay with his other income. 197
- December 22, Parliament Street. Hume to the same. Explains the cause of the mistake in the table of duties so far as respects the importation of rum. 236
Enclosed. Hume to Gillespie & Co., 26th October. The duties under the Act 6 George IV, cap. 114, will be payable on rum of the British West Indies imported from thence into Canada after 5th January, 1826; it is not intended to increase the duty, but if the act is so construed, they should apply to the Board of Trade. 239
- December 22, Whitehall. Hobhouse to Wilmot Horton. The Law Officers of the Crown have reported that the crime of which Kennedy was convicted cannot be reduced from murder to man-slaughter, but owing to the long detention of the prisoner and that the punishment would not now have any good effect in Canada, Peel will recommend that the prisoner's sentence be commuted to transportation for life. 53
- December 30, Horse Guards. Torrens to Wilmot Horton. Sends letter from Sir Richard Jackson with the hope that the proposals contained in it may have Bathurst's concurrence. The commander-in-chief was at first impressed with the belief of the benefit that might arise to the public service from a general power being given to regiments in Canada to recruit there, but now sees obstacles to the scheme, but it is essential that the Royal staff corps should be authorised to recruit, as it is composed of artificers and should not be compelled to depend on the casual supply from Great Britain. 20
Enclosed. Sir Richard Jackson to the Adjutant General, 12th November. To prevent desertion, proposes to enlist artificers in Canada for the Royal Staff Corps. 22
- December —, War Office. Lukin to Wilmot Horton. Asks for the income in his civil employment of Lieut. William Robins, who desires to draw his half pay besides. 193
- No date. J. S. (Stephen) to the same. Answer suggested to Dalhousie's letter that the case of transportation as it affected Lower Canada, would be provided for when the general regulations were made. 91

MISCELLANEOUS, 1825.

Q. 174-1-2.

(Part 1 is paged 1 to 278; part 2 from 279 to 525.)

1821.
October —,
Montreal.

Memorial of Cyrus Fay to Dalhousie. Enclosed in memorial to Bathurst 18th March, 1825.

1822.
March 23,
London.

Burnet to——The high rate of customhouse fees at Quebec was nearly prohibitory to the coasting trade, so that the customhouse officers accepted less than they had claimed. The collector's emoluments from his own showing are about £5,000 a year. The fees are exacted under an order from the Board of Customs, and a very old Halifax list which the officers have constant difficulty to explain or still more for the merchants to understand. In some instances the port of Quebec is declared to extend to Anticosti, and every steamer and small craft engaged exclusively in inland navigation is subjected to an accumulation of fees. The anxious wishes of the mercantile community to have the custom house fees placed on such a footing as to prevent the constant scenes of litigation. Hopes the subject may be thought worthy of consideration. Page 33

1823.
August 2,
Quebec.

Cochran to the Roman Catholic Bishop of Quebec. Enclosed in de la Porte to Bishop Macdonell, 22nd October, 1825.

1824.
July 10,
Downing St.

Wilmot Horton to Dr. Goodall. Enclosed in Forbes to Wilmot Horton, 17th June, 1825.

November 27,
Rome.

Cardinal de Somaglia to Dr. Poynter. Enclosed in Poynter to Wilmot Horton, 19th January, 1825.

1825.
January 11,
Montreal.

W. McGillivray to Ellice. Enclosed in Ellice to Wilmot Horton, undated (June?).

January 11,
Montreal.

Forsyth, Richardson & Co. to Ellice. Enclosed in Ellice to Wilmot Horton undated (June?).

January 19,
Reigate.

J. W. Grece to Wilmot Horton. In reference to the answer to his petition, the Grenville canal so far as it is built on his land is his property and his land must either be paid for or the canal resigned to him. The evil is not supposititious but real, and he would continue to demand his rights. 248

A letter undated to Wilmot Horton said he had called for a verbal reply and finding Wilmot Horton had gone he would return on Monday. 251

January 19,
London.

Poynter to Wilmot Horton. Thanks for laying before Bathurst his (Poynter's) letter of 28th ulto, and of communicating His Lordship's answer on the subject of the appointment of Lartigue as ordinary Roman Catholic Bishop of Montreal. Asks that the appointment as suffragan and episcopal vicar of Bishop Plessis be officially declared to have the approbation and support of His Majesty's government. Bishop Macdonell acknowledges with thanks the gift of £1⁵ towards the expense of building churches and schools in Upper Canada. 454

Enclosed. Copy of a letter from Cardinal de Somaglia to Dr. Poynter, dated 27th November, 1824. 455

February 4,
London.

Bell to Bathurst. Apologises for the liberty he takes in applying on behalf of Mrs. Mercer, who he certifies is the wife of Captain Aug. Cavalie Mercer. 25

February 7,
Quebec.

James George to Bathurst. Sends plan for ascending rapid waters by a steam tow boat assisted by iron chains. 252

Enclosed. Sketch. 252a

1825.

Communication by George to the *Quebec Gazette* respecting his plan.

Page 253

Where the formation of committees is in progress with list of subscribers.

255

Proceedings of the committee of the St. Lawrence Association at Cornwall, 24th January, 1825.

257

February 6,
New York.

Buchanan to Wilmot Horton. Transmits abstract of the proceedings of the Legislature of New York, as being of importance.

26

February 12,
Quebec.

Bouchette to Bathurst. Sends copy of the first part of the report of a tour through the province.

27

February 18,
London.

Butterworth to Wilmot Horton. Calls attention to the case of the four Indian chiefs, whose expenses will soon accumulate.

28

March 1,
Reigate.

Greece to the same. Is grateful for the promise that he would receive value for what had been taken from him and that a letter would be written to him to that effect.

268

March 3,
Downing
Street.

Menzies to ———. Represents the delay and additional expense he was subjected to on account of carrying dispatches from the Lieut. Governor of Lower Canada.

303

March 3,
Reigate.

Greece to Wilmot Horton. Complains of the refusal to compensate him for his lands. He desires to avoid going to law; he would not abandon his efforts, but would never again wait in attendance in the office of the Secretary of State for the Colonies.

269

March 7,
Marchmont.

Lord Bishop of Quebec to Bathurst. If the state of his health allows him to make the passage, his physician has recommended him to go to England in spring. If he is able to take the voyage would he be indulged with a passage for himself and family by the frigate that is to bring out the Earl of Dalhousie?

467

March 7,
London.

Hart to Bathurst. Asks for an interview respecting the reduction of the duty on ashes from the United States.

279

March 8,
Finnisecorhy.

Carew to Wilmot Horton. Reports the persons in his neighbourhood who desire to emigrate.

79

March 9,
Hackney.

Menzies to the same. Sends details of his expenses incurred for carrying dispatches; these amount to £17 12s., but as the last officer who carried dispatches received £50, he hopes His Lordship (Bathurst) will give the case favourable consideration.

304

Enclosed. Account of expenses.

305

An undated letter follows, stating that whilst he has no claim, yet as the carrying dispatches involved inconvenience and expense he trusts to Bathurst giving the case favourable consideration.

306

March 10,
Bristol.

A. C. Buchanan to Bathurst. Has been and is engaged in shipping to Canada and has conveyed from Londonderry, at least 5,000 industrious loyal settlers, free of expense to Government. He is largely engaged in erecting steam saw mills in Lower Canada, and all his resources have for the last seven years been directed to that country, in hopes of making a provision for his numerous family. Asks for the grant of a township, where he might obtain a supply of timber for his mills and establish the workmen and labourers, whom he is obliged to employ. Asks for an interview. He is sending the ship "Harrison" of 700 tons to Londonderry, to carry out settlers, and for the last two seasons has taken out nearly 1,000, and as they are from the loyal and peaceable counties of Tyrone and Fermanagh they become most valuable settlers.

29

March 10,
London.

Hart to ———. Remarks on the smaller expense in freight, &c., that ashes can be carried from the United States, than from Canada.

280

March 14,
London.

Petition of Michael Scott for leave to erect a flour mill on the River St. Pierre.

470

(For date of memorial, see letter of 18th March).

Plan of St. Pierre and the south side of the St. Lawrence from Caughnawaga to Laprairie.

479a

1825.
March 18,
London.
March 18,
London.

Scott to Wilmot Horton. As he sails to-morrow, asks if there is an answer to his petition for a mill seat. Page 481

Memorial of Cyrus Fay for relief, as he had claims upon the Vice Admiralty Court of Quebec, which were substantiated, but for which he could get no settlement. Encloses copy of memorial to Dalhousie to which no answer was returned. The latter memorial states the cause on which the claim had arisen by the salvage of an abandoned ship. 143

March 19,
St. Ives.

Faux to Bathurst. Transmits copy of "Memorable Days," for which he hopes His Lordship will send a subscription. 153

March 23,
London.

Butterworth to Wilmot Horton. Has communicated letter to the Indians. He is very anxious that they should return as soon as possible to their own country. 32

March 28,
Clonmell.

Ann Swindell to Bathurst. Sends letter to be forwarded respecting her brother's estate. 482

March 28,
London.

Birch to —. Refers letter from his brother-in-law, William Canning, brother of Stratford Canning. He has taken the substance of it in the form of questions which he requests may be placed in the hands of some one in his office who could show the answers to Mr. Canning. 35

Enclosed. Canning to Birch, 25th March. His gardener, Rumley, being dismissed, is anxious to find employment, and desires to go to Upper Canada, where he has a notion he may obtain a grant of land. What it is desirable to know before embarking. 36

April 5,
London.

Newman, Hunt, Christopher & Co. to Wilmot Horton. Extent of the fisheries carried on from England, Jersey and Newfoundland at Labrador. The extreme inconvenience that would result were they compelled to resort to Canadian courts to settle any disputes that might arise. 408

April 6,
Portsmouth.

Captain Ogden to Wilmot Horton. If he cannot obtain a free grant of the quantity of waste lands in Lower Canada, he has asked for, offers to purchase 50,000 or 100,000 acres in Lower Canada at the same rate as the Land Company was about to purchase land in the upper province. From his knowledge of the Canadas and the United States, believes himself well qualified to undertake the sale of a large tract of land to actual settlers. He and his brothers have formed connections with the principal families of Lower Canada who, if necessary, can give much useful assistance. 412

Enclosed. Memorial from Ogden. States his services which entitled him to a grant. 414

April 7,
London.

Uniacke to Bathurst. Asks that his leave of absence be extended to October next. 498

April 8,
Walton.

Wilkins to Bathurst. Calls attention to the correspondence in 1821 on the loss sustained by his father and the offer of a grant of land to make up for it, which he was obliged to abandon owing to the conditions. As the land is to be valued, that then offered will become disposable and will compensate him in part. 502

April 9,
London.

Butterworth to Wilmot Horton. Has received and forwarded letter for Mr. Exley to the Governor of Ceylon. His anxiety about the four Indians, the overwhelming desire to see the King, which has been gratified, through the intervention of Irving Brock, brother of the late Sir Isaac Brock. This should have a favourable effect on their nation. 39

Enclosed. Irving Brock to Butterworth. Account of the reception given to the Indians by the King, with the speech of the Grand Chief, the tenour of the King's answer and His Majesty's attention to them. 41

April 12,
West India
Docks.

McDonnell to Wilmot Horton. For information respecting the duty on rum in Canada. 309

April 14,
Downing
Street.

Wilmot Horton (?) to McDonnell. In answer to his letter of 12th, by a recent Act, the drawback of 6½d. a gallon on rum imported into Canada was given up. 311

1825.
April 18, Westminster. Brandling to ———. Had been in hopes on his return to town of finding Sir David Smith's letter. Page 45
- April 23, Downing Street. Monk to Wilmot Horton. Had called to see him this morning to arrange about being presented at the levée to receive the honour of knighthood. 312
- April 23, Guernsey. Allez to Bathurst. The wretched state of the settlers on Red River; the flagrant conduct of the Governor and chief factors, their debauchery and immorality. Ordinance sent for the protection of the settlers, at the request of Selkirk has been taken into the fort, so that the settlers are defenceless against the Indians. The destitution of the settlers who were compelled to live on horses and dogs, having no provisions, and their sufferings on the plains, where one was frozen to death, others lost their limbs, one was eaten by his comrades. Sends copy of letter and reference to prove the truth of his statements, including letter from Walter de Husser, a Swiss settler and others. 2
- April 25, London. An undated memorandum directs that the persons mentioned in the letter from Mr. Allez shall be written to for information respecting the settlers at Red River. 1
- April 28, London. Butterworth to Wilmot Horton. Applies for a passage for two of the Indian chiefs by the "Orestes" or other ship sailing for Quebec. The other two should remain till Stuart, who was chairman of the committee of Assembly in Lower Canada on the Indian claims shall arrive. He should be heard before any definite decision is come to. 46
- April 29, Carr to Wilmot Horton. Shall defer communicating on the subject of emigration, until he shall have made inquiries in Ireland. 81
- Bright to ———. Is moving for Lower Canadian papers relating to the settlement of the Crown lands and to the question of education. 48
- April 29, London. Note of the papers. 49
- May 3, Digby to ———. For information respecting a grant of land in New York or neighbourhood to Rear Admiral Digby. 126
- May 3, Bright to ———. Is obliged for the trouble taken. Differs with Cochran on the value of the reports. With much that is uninteresting they contain hints of considerable consequence. 50
- May 3, London. C. F. Vines to Bathurst. Asks respecting a young man named Walter Breach, for whose safety his friends are anxious. 490
- May 4, Lincoln's Inn. Bannister to Wilmot Horton. In order to discuss the subject of improving the dangerous water communication between the upper and lower provinces of Canada, asks for an interview. 51
- May 6, Markland to the same. His reason for differing in opinion from members of the House of Commons that the admission of Canadian corn (wheat) would afford facility to the people of the United States to smuggle large quantities into Great Britain. The cost would take away all hope of profit, so that inducements to smuggle would not exist. 313
- May 7, Epsom. West to Bathurst. Sends copy of his journal lately published, and if more information is wanted he will communicate such as he is able. 504
- May 7, Adelphi. Bulger to the same. In answer to the inquiries about the settlers on the Red River, it is 18 months since he left there and has not since heard about them except from the report of gentlemen returning and from a Canadian newspaper, which stated that the Indians had begun hostilities against the settlement. 53
- May 9, Edinburgh. John Henderson to the same. Had left Hudson's Bay in September last. His disgust at the treatment of the settlers and natives by the Hudson's Bay traders and by the executors of the late Lord Selkirk. Shall send all the information in his power if the points on which His Lordship wishes to be informed are mentioned. 282
- May 9, Edinburgh. Kempt to the same. Left Red River on the 10th of June last. The dissatisfaction of the settlers and natives. Will give information on

1825. the state of affairs when he knows the particular heads on which it is wanted. Page 295
- May 9. Bryon to Bathurst. His destitution by conforming to the established Golden square church. Asks for a passage to Canada or any of the colonies. 54
- May 11. Forbes to Wilmot Horton. Sends, as desired, report on the state of Enfield. his health. 154
- Report of same date addressed to Bathurst. 155
- May 16. McSweeney to Bathurst. For information of Owen Corkron Murphy, Cork. who left County Cork about forty years ago and is now dead, having left his property to his relations. 320
- May 18. Macdonald to Bathurst. In answer to inquiry from Norton (Horton), Edinburgh. he arrived at the Red River Settlement in 1820 and remained until 1823 to superintend the importation of European goods for the use of settlers, the distance from York fort to the Red River being about 800 miles of the most difficult and dangerous navigation. He, therefore, was prevented during the summer and autumn months from observing the progress of the settlement. Each settler was granted from 50 to 100 acres on which it was agreed to pay a rent of so many bushels of grain, but from the many disasters few have been able to fulfil this engagement. They are supplied from Selkirk's stores, and a copy of their accounts sent to England yearly. The settlers are constantly in dread of attacks by Indians. A few troops would have an intimidating effect on the Indians. The only export from the colony is the product of the Buffalo Wool Company. Everything has been done by Selkirk to secure the comfort of the settlers. 322
- May 18. Memorial of Elizabeth and Sarah Etches. That their brother was projector of trade between the North West Coast of America and China; his services as discoverer, &c., on which account they ask for a charter for themselves and friends for carrying on that trade. 132
- May 18. Rundell to Wilmot Horton. Respecting the bill passed for incorporation of a company to work the iron mines of the county of Annapolis and for giving bounties of £600 each for so many pigs or tons of wrought iron. A company has been formed with 100 shares at £100 each. The legislature should be informed that the grant has been made to the Duke of York, and that measures are to be taken to work the mines on a large scale. 468
- May 18. Richard Trench to ——. Respecting Caldwell's financial affairs; his property is left to his own management, hopes to pay off much of his debt before next session. 489
- May 20. Caddie to Bathurst. In respect to intelligence from Red River, he left at the end of 1823 and had only one letter since, dated 31st August, 1824, from which he sends extracts showing that most of the people are leaving, giving also the price of grain and of imported goods. 82
- May 21. Dr. Mearns to Bathurst. Transmits memorial from a committee of the General Assembly of the Church of Scotland relative to the situation of the clergy in the British American provinces. 325
- Enclosed. Memorial. 326
- Draught answer to Dr. Mearns, undated, that when a congregation in any of the provinces shall have erected a suitable church and shall be prepared to acknowledge the jurisdiction of the Church of Scotland and contribute to the maintenance of a minister, the Governor in Council on receipt of a memorial to that effect will be authorized to contribute towards the suitable maintenance of a clergyman. 334
- May 27. Doyle to Wilmot Horton. Asks for an interview to enable him to introduce his son. 127
- May 28. Memorial of Bridget Fowls or Foley, for a copy of the will of her uncle, Mayborough who died in British North America. States the degree of kindred she bore to her uncle. 156

182
May 28,
Kilrush.

July —
New Yo

June 3,
London.

June 7,
London.

June 8,
Colonial
Office.

June 10,
Paris.

June 11,
Enfield.

June 14,

June 16,
London.

June 16,
London.

June 17,
Downing
Street.

June 17,
Enfield.

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1825.
May 28,
Kilrush.
July 1,
New York.
June 3,
London.
June 7,
London.
June 8,
Colonial
Office.
June 10,
Paris.
June 11,
Enfield.
June 14,
London.
June 16,
London.
June 16,
London.
June 17,
Downing
Street.
June 17,
Enfield.
- Cullinan to Wilmot Horton. Asks him to forward a letter to New York to his (Cullinan's) brother, as he has frequently written but has received no answer. Page 85
James Buchanan to the same. His regret that the grant of lands made to him in Canada should be burdened with heavy fees. From the services of himself and family, asks that the lands should be granted exempt from fees. 55
Markland to the same. Can he be allowed to see the report on the state of Gaspé, in Lower Canada? 336
G. Mountain to Bathurst. The arrangement on which his father, the Bishop of Quebec, hoped to be permitted to retire. Dr. Stewart, if appointed, was willing to allow him the third of the income, provided, he (the Bishop) were allowed to retain the small living he holds in England and the salary from the Society for the Propagation of the Gospel. How the division of the diocese could be arranged, but should the Bishop's resignation be required with the financial arrangements as proposed, then the diocese of Quebec to remain undivided during the Bishop's life, Dr Stewart succeeding as Bishop of the whole. Other arrangements respecting the see-house, etc. 339
Enclosed. Javel to Mountain, 30th January, 1811, respecting a situation at Eaton, the proposition for which was not carried into effect. 344
Other documents relating to the character and qualifications of Dr. Mountain. 345 to 360
Stephen to Wilmot Horton. Sends summary of Archdeacon Mountain's statement of his father's proposal and wishes. 361
Summary statement of the contents of Dr. Mountain's letter of the 7th instant. 362
Mountain to Bathurst. Has submitted proposals on behalf of his father. Is going out of town and has left his address. 365
Arnoux to Colonial Secretary (in French). For payment of the amount due to his father for supplies, etc., to officers, non-commissioned officers and soldiers at Quebec in 1760, the Marquis de Lévis having given orders that the sick and wounded of both armies should be attended to without distinction. Although the claim is old it is well founded, but whatever the British government pays him he will be satisfied, as owing to his father's sudden death at Montreal in 1760, his accounts could not be regulated. 9
Enclosed. Documents relating to the claim. 11-15
Forbes to Wilmot Horton. Sends certificate of the state of his health to confirm what he stated on the 9th instant. 161
Enclosed. Certificate by Dr. Nevinson, dated 10th June. 162
W. Henderson to Wilmot Horton. His brother desires to know if a copy of the journal be kept whilst at Red River would be wanted. 284
Osgood to Bathurst. Thanks for his kindness; transmits copy of papers respecting the Indians and destitute poor, and asks for an interview. 418
Enclosed. The interesting case of the Indians and destitute poor in Canada by the Rev. Thaddeus Osgood, A.M. 419
Captain Ogden to Wilmot Horton. Asks him to send Bathurst's order for the grant of 2,000 acres. 417
Osgood to Bathurst. He had an interview with Lord Bexley respecting the foundation of a society for promoting education and industry in Canada, who thought it might be well for him to wait on Bathurst. Asks for an interview. 438
Forbes to Wilmot Horton. In compliance with desire, sends copy of his (Horton's) letter to Dr. Goodall, which the doctor considers as an ultimatum. 163

- 1825.
- Encl. ed.* Wilmot Horton to Goodall, 10th July, 1824. The necessity for a Lieut.-governor residing at Gaspé; the impossibility of Forbes returning. Dalhousie to report the largest pension that could be obtained for him from the colony. Page 164
- June 17, London. Monk to Wilmot Horton. Desires to know the result of Bathurst's instructions respecting the increase to his retiring allowance. 367
- June 17, Treasury. McNaughton to Wilmot. Asks for a letter of introduction to the Governor of Canada for a young gentleman who has just received a commission in the 68th regiment. 366
- June 21, London. Mandelsloh to Bathurst. To have the signature of Sir F. N. Burton lieut.-governor of Canada legalized and attested. 368
- June 24, London. Osgoode to Bathurst. Encloses paper respecting a society for promoting education and industry in Canada; also his testimonials, &c. Shall be ready to wait on His Lordship at any time. 439
(The papers enclosed are duplicates of some previously copied.)
- June 25, Enfield. Forbes to Wilmot Horton. Reminds him that a renewed leave of absence was promised from time to time on medical report so that for renewed leave, he would only have to send fresh certificates. The condition made in the Assembly of Lower Canada in 1819 as to his salary if resident or his allowance of £300 on the pension list, which perhaps he would prefer. Detailed remarks on the proposal of 1819, &c. 165
- Proposal for the formation of a new corps to be called pioneer light infantry or riflemen, particularly adapted to the service of the Canadas and British North America generally, respectfully submitted by Lieut. A. V. S. Forbes, 64th Regiment. 170
- June 26, London. The title is in the immediately preceding page.
Monk to Chapman. Desires to have copies of bills and sends remarks. 369
(The remarks do not accompany this note.)
- June 27, London. Monk to Wilmot Horton. Calls attention to the method formerly in use for the administration of the oath of allegiance to persons who had intimated their design to reside in the province and to suggest an alteration in the Act as now proposed. 370
- June 28, Kilkenny. Memorial of the Lahey family, nephews and nieces of deceased Martin Kelly for steps to be taken to secure the property he has left, they being his next of kin. 296
- June 28, London. Mountain to Wilmot Horton. Encloses duplicate of the letter he was authorised to write to his father. 373
- Dr. Mountain to Bishop Mountain. Reports the arrangements that have been made for his retirement from the bishopric. 374
- June 29, London. Mandelsloh to Bathurst. It was by direction of the Court of Wurtemberg that he applied for the attestation of Sir Francis Burton's signature. It is no doubt therefore, through mistake that a note has been sent, that the signature has been attested and that the document was ready for delivery on payment of a fee of £2 2s. 6d. 379
- June (?). Ellice to Wilmot Horton. Asks him to see Scott who brought the enclosed documents. 128
- Enclosed.* W. McGillivray to Edward Ellice, 11th January, 1825. Introduces Michael Scott, a merchant of Montreal. 129
- July 1, London. Forsyth, Richardson & Co. to Ellice, to introduce Michael Scott. 130
- Osgood to Bathurst. Sends additional papers. 440
- Enclosed.* Society for promoting education and industry in Canada. 441
(The other papers previously copied.)
- July 2, Ellice to Wilmot Horton. Memorandum on the Canadian tenure bill which is now law. 141
- July 4, Kingston. Dr. Stewart to Bathurst. Applies to be appointed to the diocese of Quebec in succession to the late Bishop. 483

1825.
July 5,
Quebec.
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Page 164
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Scott, 130
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in Canada.
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tenure bill
141
diocese of
483
- Caldwell to Wilmot Horton. Introduces Mr. Felton, who visits England, to forward the views of persons who wish to associate as a land company. In regard to his (Caldwell's) own affairs he is willing to confess judgment in October on any terms which government may be pleased to grant. Page 86
Same to Wilmot Horton. Alarm of the owners of flour and saw mills at the threatened destruction of their property. The admission of wheat at a low rate of duty threatened to make it so high in Canada, that flour manufactured from it cannot meet the competition of that from the United States, in the other colonies and West Indies. The saw millers are alarmed at the reduction of duty on the short deals which would discriminate against them. 89
Butterworth to Bathurst. Asks that an interview be granted to himself and a deputation respecting the claims of the Canadian Indians. 87
Monk to Wilmot Horton. Asks a short interview. 381
Butterworth to Wilmot Horton. Note received. The deputation will wait on Bathurst next day on behalf of the Canadian Indians. 58
The same to Bathurst. Would have answered sooner in reference to the Canadian Indians, but expected a member of the Assembly of Lower Canada, Andrew Stewart (Stuart) who was chairman of the committee on Indian Claims, and who having arrived says that after a minute investigation the committee were unanimously of opinion that the Indians were entitled to the land in question. A memorandum handed by Stuart can be explained at the meeting. 59
Enclosed. Memorandum concerning the claim of the Christian Indians of Lorette to the Seigniori of Sillery. 61
Monk to Wilmot Horton. Another request for an interview. 382
Enclosed. Letter from Monk to Wilmot Horton of the same date respecting his pension. The political importance of establishing the principle on which it is to be settled. 383
G. Mountain to Bathurst. Calls attention to his own claims in event of a vacancy arising in either of the new sees to be created by the division of Quebec. 389
The same to Wilmot Horton. The inadequacy of the salaries to Dr. Stewart and himself as Archdeacons. They are smaller than those in other dioceses and the work is greater. The large amount of travelling in the discharge of their duties, the whole expenses of which are defrayed out of their salaries, which are the same as when they had no circuits to make as Bishop's assistants, so that they are poorer by their promotion. 392
Poynter to Bathurst. Asks that the two clergymen, Joseph Quiblier and Alexander Boyle, selected by the Abbé Thavenet, have leave to go to Canada to be employed in the Seminary of St. Sulpice as teachers. 457
Enclosed. Abbé Thavenet to Poynter (in French). Respecting the selection of clergymen to be sent to St. Sulpice as teachers. 458
Uniacke to Bathurst. Has been removed from the lucrative office of Attorney General and made a Puisne Judge for the District of Montreal. Hitherto a person having the office of Attorney General is supposed to hold it for life, unless elevated to the first station on the bench or removed for cause. Recalls his (Bathurst's) promise that he would not be removed from his office. Maintains the uprightness of his conduct, his zeal and ability to fill the office properly during a period of peril and embarrassment to the colony which he hoped would never occur again. His efforts to remedy the improvident grants of waste lands and to establish a court of escheats, destroying the monopoly of lands. The

1825.
measures he has advocated for the improvement of the colony. Asks for an investigation into his conduct. Page 491
- July 18, London.
Osgood to Bathurst. At the suggestion of Lord Bexley, Bathurst is asked to allow his name to stand as president of the Society for promoting education and industry in Canada. 445
- July 18, Enfield.
Forbes to Wilmot Horton. Thanks for his communication. 191
- July 18, London.
G. Mountain to the same. Reports the death of his father, the Lord Bishop of Quebec. Asks for an interview. 395
- July 21, London.
The same to the same. Solicits attention to the case of his mother, who by the death of his father, the Bishop, is left in straitened circumstances. 396
- July 21, London.
The same to the same. Again represents the inadequacy of the salaries paid to Dr. Stewart and himself as Archdeacons. 398
- Letter of same date says he enclosed two letters on the subject and suggests that his own augmentation of salary, if agreed to, might be paid from the army extraordinaries. 400
- July 22, London.
Monk to Wilmot Horton. Thinks he must have been misunderstood in respect to his notice of increased means that he had thought Parliament had granted. Explains his motive for asking an interview by his letter of 12th instant. 401
- July 25, Montreal.
Chipman to Bathurst. The arbitration is completed in which he is joined by the arbitrator from Upper Canada. In the absence of evidence of actual consumption, they have taken the comparative population as the measure. Upper Canada, by official returns, had a population of 156,226, and the arbitrator for Lower Canada consented that the population of that province should be taken at 450,000. The proportion of duties awarded to Upper Canada for four years from 1st July, 1824, was settled at one fourth, and although the arbitrator for Lower Canada did not join in the award, the utmost personal harmony prevailed. Original of the award sent to the Treasury. Copy sent to His Lordship, together with the written discussions between the arbitrators. 92
- Documents relating to the arbitration. 94 to 123
- Unsigned and undated answer to be sent to Ward Chipman. 124
- July 26, London.
Butterworth to Wilmot Horton. The four Indian chiefs are about to sail; from their long absence they fear their families will be impoverished. Suggests that they be given £100, that is £25 for each, which would be a great relief, also certain presents. The chiefs ask for a renewal of the grants of clothing they formerly received. 64
- A private note of the same date asked for an early reply. 66
- July 30, London.
G. Mountain to Wilmot Horton. On the eve of embarking, thanks him for his attention and for the favourable manner in which Bathurst has received his applications. 403
- August 4, London.
Osgood to Wilmot Horton. Asks him to become a vice president of the society for promoting education and industry in Canada. Page 446
- August 9, Kilkenny.
Additional petition of Patrick Lahay relative to the property of Martin Kelly, deceased. 298
- August 10, London.
Osgood to Wilmot Horton. Thanks for liberal donation and asks that he accept the office of vice president. Is sending list of vice presidents to Bathurst. Requests him (Wilmot Horton) to mention to His Lordship, the earnest desire of the committee that he (Bathurst) will accept the office of president. 450
- August 10, London.
Monk to the same. Is about to take a continental tour to avoid the cold damp climate of England and asks for letters to Lord Granville, Ambassador at Paris, and to Mr. Algernon Percy, living in Switzerland. How the letters can be forwarded. 404
- August 10, London.
Osgood to Bathurst. Apologises for his importunity; it is on behalf of the poor unfortunate Indians and destitute settlers of Canada.

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1825.

August 10,
London.August 10,
London.August 19,
Boulogne.August 22,
Castle Corner.August 24,
London.August 25,
London.August 31,
Boulogne.September 3,
London.September 10,
Downing
Street.September 12,
London.September 12,
Clonyn.

Explains the object of the society to promote education and industry which is not opposed to the Society for the Propagation of the Gospel, but rather a handmaid. The desire to obtain a subscription from the King. Page 447

Arnoux to Bathurst. Renews his claim for payment of the expenses incurred by his father in providing for the sick and wounded British soldiers in 1760, at Quebec, and argues that although the claim be of old date, it is legitimate, and that circumstances prevented him from bringing it forward earlier. 18

Enclosed. Act of burial of André Arnoux, 21st August, 1760. 19

Certificate of Arnoux of the nature of the claim for the care of the sick and wounded British troops in 1760 and that the sudden death of his father prevented the liquidation. 20

Poynter to Wilmot Horton. Acknowledges receipt of duplicate of a letter to the lieutenant governor of Lower Canada, that Bathurst had given permission to Joseph Quiblier and Alexander Boyle, the clergymen recommended in his letters to proceed to Quebec with the object of becoming teachers in the Seminary at Montreal. 460

Harvey to the same. Transmits copy of letter from the widow of the late Lord Bishop of Quebec, whose case he strongly recommends. 285

Enclosed. Mrs. Mountain to Harvey. States her case and asks him to present her application for a pension. 287

Memorial of Robert Nesbitt. That his son was murdered and robbed on board the ship "Sir James Kempt," and that the captain, so far from prosecuting the murderers has shared in the proceeds of the robbery. Asks that directions be sent to Quebec to have the murderers arrested and the captain called to account for his conduct. Sends list of his son's property. 409

Enclosed. List. 411

Monk to Wilmot Horton. Acknowledges receipt of letters of introduction. Offers to be of service whilst he is on the continent. 405

Dr. Stewart to Bathurst. Thanks for having been recommended to succeed the late Bishop of Quebec. Agrees as to the expediency of dividing the diocese. Thanks for the proposal to appoint two archdeacons for Upper Canada; shall nominate Dr. Strachan, of York, and Dr. Stuart, of Kingston, who, he recommends, should be appointed archdeacons of York and Kingston respectively. 485

Harvey to Hay. Thanks for the gratifying news respecting Mrs. Mountain. 290

Dr. Stuart to Wilmot Horton. Has written to Bathurst as requested. 487

Wilmot Horton (?) to Arnoux. Bathurst cannot entertain his application. 15

W. B. Felton to Bathurst. Summary statement of the steps taken to form a land company in Lower Canada, the plan of which it was agreed should be laid before His Lordship, and on his approval, application should be made to merchants and others for subscriptions. The result; formation of a committee of shareholders. Sends copy of the resolutions passed at the second meeting, which he hopes His Lordship will sanction. It is desirable that this should be obtained in time to allow of operations being begun early in spring. 192

List of subscribers. 197

Copy of resolutions adopted unanimously. 199

List of the principal subscribers in London. 208

Westmeath to Wilmot Horton. Describes the wretched situation of a man named James Burke, who had become a conformist to the established religion. From his knowledge of the circumstances has no doubt of the truth of the man's statement. 506

1825.
September 16, Selkirk. **Uniacke to Bathurst.** Asks for an extension of his leave of absence till April. Page 497
- September 24, Davenport. **Menzies to Wilmot Horton.** The property of his father, Major Thomas Menzies in Duchess County, New York, was confiscated for his loyalty. He never made an application to be reimbursed for his loss. As lawful heir, desires to know how and to whom he should apply for the recovery of his mother's thirds of his father's property. 406
- October 1, Kilkenny. **Further memorial of Patrick Lahey** respecting the property of Martin Kelly. 299
- An answer from the War Office** follows the last memorial, that he should apply to Lord Bathurst, not to the Foreign Office. 300
- Another memorial** addressed to the Foreign Office on the same subject, dated 7th October. 301
- October 1, London. **Felton to Wilmot Horton.** After considering the rules regulating the grants of land in New South Wales and Van Dieman's land, cannot approve of their application to Lower Canada. The difficulty emigrants would experience in getting to their lands being separated from the settled country by chains of hills and swamps. No hope of capitalists, far less of poor emigrants, opening roads. The difficulty arising from the position of the seigniorial lands. Is not sanguine of beneficial results of the scheme as an insulated measure, but as it is desirable to adopt an uniform system of granting lands, he has taken the liberty to accommodate it to the existing circumstances of Lower Canada. These remarks are applicable to the scheme as an insulated measure, but on a plan of an extensive emigration at the expense of government, which bears the expense of conveying and settling the destitute emigrants the exaction of a quit rent is equitable and judicious. The little difficulty in realising the project, when that of communicating with the St. Lawrence is overcome. 209
- Enclosed.** Summary of the rules prepared for the regulation of grants of land in Lower Canada. 214
- Note A.** Remarks on the rules with statistical tables, &c. 219
- Proposed amendments to the Act 6 Geo. IV cap. 114,** as far as respects the duties on spirits imported into Lower Canada. 233
- Remarks on the Act 6 George IV, cap. 115,** in its application to Lower Canada. 235
- October 17, Kilkenny. **Memorandum of the net revenues** arising from Jesuit Estates. 241
- Table of the appropriation and distribution of that part of the revenue of Lower Canada** over which the Crown claims the exclusive jurisdiction. 243
- October 22, London. **De la Porte, chaplain at the French Chapel Royal to Bishop Macdonell** (in French). Had been acting as agent for L. T. Desjardins and others for their denization, but having received no answer from Bathurst asks for Bishop Macdonell's intervention. 461
- A. W. Cochran, Secretary, to the Roman Catholic Bishop of Quebec.** Bathurst has complied with the request of Desjardins and others for denization. The necessary documents have been ordered to be prepared and may be obtained by the agent on calling at His Lordship's office. 462
- Attached.** Certificate signed by all the priests that they had applied for denization, with additional certificate that de la Porte had presented the original of the above letter at Lord Bathurst's office. 462, 463
- October 29, Three Rivers. **Moses Hart to Bathurst.** Had transmitted the plan of a tax on legacies which had been adopted, but not acknowledged. Asks for an acknowledgment. Had also transmitted proposal for a tax on absentees. Was it received? 292
- November 1, Upnor. **Canse to Wilmot Horton.** Sends letters to be forwarded to Uniacke. 25

1825.
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1825.
November 3, London. J. A. Young to the same. To request Bathurst to extend his leave of absence till July next. Page 509
- November 4, London. Butterworth to Wilmot Horton. Reports the safe arrival of the Indian chiefs. Neilson had endeavoured to dissuade them from coming to London, but without effect. The lieutenant-governor declined to give them letters of introduction he had promised. Sends account of expenses. The gratitude of the chiefs. 67
- November 8, Regate. *Enclosed.* Account of expenses of the four Indian Chiefs from Canada defrayed by Joseph Butterworth. 68
- November 10, Downing Street. Greece to Bathurst. Dalhousie, in 1824, disseminated the desire that was felt to obtain the opinion of Canadian land holders on the means of introducing the production of hemp. Has discerned that the agricultural productions of Canada, must impel competition with Northern European States in certain products which would avoid competition with Great Britain. The inefficacy of medals offered by the society for encouraging Art &c., to promote the cultivation of hemp. How this could be done and the steps that might be taken by government. 271
- November 11, London. Wilmot Horton to Butterworth. (Letter not signed). Asks by what authority the expense was incurred for the Indians, as the fullest information will be demanded on this point by the Treasury. 72
- November 12, Clap'ham. Seguier to Wilmot Horton (in French). In consequence of papers relative to French succession having been sent, other family papers have been forwarded to him which he asks his (Wilmot Horton's) good offices to transmit. 488
- November 14. Butterworth to the same. Enters into details as to the circumstances by which he was induced to take charge and supply the wants of the four Indians. 73
- November 16, Rausgate. Stuart Wortley to the same. Would have liked to introduce Young personally, but is leaving London. His main object is to convince the Colonial office that his mother is entitled to a pension. 508
- November 18, London. Memorial of Margaret Plenderleath, late Margaret McTavish, widow of the late Simon McTavish, and of Simon only surviving son of the late Simon McTavish, his father. States that owing to the want of a quorum of the Court of King's Bench, Montreal, from the absence of Chief Justice Monk and Justice Ogden and from Justice Reid being a party in the cause, no legal proceedings could be taken in the case. The appointment of Justice Reid, to be Chief Justice continues this state of affairs to which the consideration of Bathurst is directed. 464
- November 18, London. (A similar petition dated on the 16th December was signed only by Margaret Plenderleath.) J. A. Young to Wilmot Horton. Encloses his mother's memorial. The requisite alteration in the Act of last session would increase the amount of revenue beyond the estimate. 510
- November 20, Dublin. *Enclosed.* Memorial of Christian Ainslie, widow of the late Honourable John Young. 511
- November 22, London. Memorandum showing the calculation of the increase of revenue that could be obtained by a change in the duties. 513
- November 23, Tuam. John Astle to Wilmot Horton. Transmits resolutions of the ship owners in regard to desertion of seamen at Quebec and praying that the governors be instructed to enforce the laws. 21
- November 22, London. *Enclosed.* Resolutions of the ship owners on the subject of desertion and insubordination of seamen in the British North American trade. 23
- November 23, Tuam. J. A. Young to Wilmot Horton. Submits statement of the remuneration received by his father for his public services in Lower Canada. 520
- November 25. Burke to Wilmot Horton. Reminds him of correspondence in July and August, 1824, respecting land in Bonaventure, the value of which he asked might be remitted to him. Had since heard nothing of the matter. 762

1825.
November 26, Du Vernet, Major of the Royal Staff Corps. Memorandum of his services in Canada. His services mentioned in the memorandum were performed in superintending the construction of canals for which he requests a grant of land. Page 499
Ramsgate.
- December 5, Hughes to Wilmot Horton. Applies for a situation in Canada or elsewhere. 293
Chatham.
- December 8, Butterworth to the same. Applies for payment of his account for the Canadian Indian Chiefs. 77
London.
- December 9, The same to the same. Having had no communication with the Treasury respecting the Canadian Chiefs, he must decline to make any application there. As the money was disbursed by him several months ago for a matter in which he had no personal interest, he sees no impropriety in asking for payment without unnecessary delay. 78
London.
- December (?), Butterworth's memorandum respecting the expense for the four Indian chiefs. 70
London.
- No date. Summary of Capt. Ogden's claims on the consideration of government. 451
Memorandum respecting a railway in Canada. If Captain Cheney, R. E., cannot be got, recommends Penrice, a civil engineer. 307

PAPERS RESPECTING TENURE OF LAND ACT 6 GEORGE IV, 1825.

Q.—175.

1823.
July 24.

Ellice to Wilmot Horton. The Executive Council at Quebec will render all plans for the conversion of tenure abortive. Bathurst should decide at once whether the recommendations of the Council are to be the rule of Dalhousie's conduct in attempting to carry into effect the provision of the bill of last year. The propriety of reducing the fine to as low a rate as possible, so as to hold out every inducement to the seignors to accept the mutation. Desires to know if the Seignors may allow settlers to come in on the old plan. If so, his scheme would be to grant emigrants or resident inhabitants perpetual leases, with the option of claiming a fee simple deed on payment of a twenty year's price on the increased rent, without any feudal restrictions. Page 86

August 6,
Downing
Street.

Wilmot Horton to Ellice. Has had a good deal of conversation with Stuart on the feudal tenure. The proposals of the Executive Council suggest a principle of commutation and the pecuniary terms, leaving to government the increase or diminution of the amount. The object of the clause was to encourage the mutation and if there is no temptation to do so the object of the clause would be frustrated. The difficulty of settling what would be no more than a fair temptation. Asks him to have a conversation with Stuart on the subject. There is no provision made in the statute for the case of the censitaires, and until that is done there is no step taken towards the abolition of the feudal tenure. If the seignors feel that they have an interest in effecting the change of tenure, they must allow that the censitaires have an equal interest. 54

August 15,
Wyke.

Ellice to Wilmot Horton. Has had a conversation with Stuart whose "definite opinions" on the mutation of tenure merely amount to a recommendation to reduce the rate of fine suggested by the Executive Council from a third to a fifth of the value of the property commuted, and that it would be expedient to treat with the seignors for the release of the *droit du quint* rather than for the absolute conversion of the tenure. The object of the promoters of the bill was not to devise a plan to raise a revenue but to hold out an inducement to the seignors to counteract the natural bias of their habits and to arrive gradually at the extinction of feudal tenures the greatest bar to the improvement of the colony. The Executive Council could not probably find one seignor to

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August 30,
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August 30,
Leamington.

September 10,

1824.
October 1,
Clissholme.

accept their terms. Criticises the measure in detail, and proposes that a bill should be introduced into the House at Quebec, or a message sent by Lord Dalhousie, for a tax on the proprietors' of unsettled land.

Memorandum respecting the preceding letter entering into details of the object of the land tenure bill. Page 60

Memorandum respecting the 31st clause of the statute of 3rd George IV relating to tenures in Canada, and the report of the Executive Council on the mode of carrying it into effect. 69

Wilmot Horton to Stuart. Indicates certain difficulties with respect to the abolition of feudal tenures of which he desires an explanation. 76

Stuart to Wilmot Horton. To carry out the object of the bill for the change in the French tenure in Lower Canada, it is necessary that the right to obtain commutation of mutation fines should be extended to the censitaires. The reasonableness of this demand. Cannot conceive how the seignors could object to it, so that it might be made a condition that the remission be made to their censitaires of the *droit de lods et ventes*. The expediency of great liberality being shown on the part of the Crown in the commutation with the seignors but only on the above mentioned conditions; with that reserve government could not be too liberal. How the arrangements might be made between the seignor and the censitaire. 89

Proposed letter to Dalhousie on the subject of tenures. The nature of the bill to extinguish the feudal tenures and to substitute the tenure of land in free and common socage. 91

Ellice to Wilmot Horton. Shall be satisfied with any proclamation he (Wilmot Horton) may issue to carry into effect the Act for the mutation of tenures, as he would then know how to regulate his affairs. If he consider the terms expedient, he will be able to settle the land on an improved system; if not, he must make the property as productive as possible on the old system. Complains of the indecision. Has always given his opinion candidly when asked, with a view to the general acceptance by the seignors to the conditions and to the success of a measure, as essential to the welfare of the province as union would be to its good government. Has never pressed the subject for his own advantage, but has accepted the terms proposed, having thought the powers given to the Crown preferable to the limitations regulating the subsequent arrangements between seignor and censitaire. Doubts if the legislature of Quebec would make improvements in the Act, if required, or comply with any other application. His invariable political course has been to do all for the benefit of the colonies, he had rather supported than opposed the measures of the Colonial Office as he and his predecessor must have felt, believing it to be his duty, giving him (Wilmot Horton) credit for the anxious wish to promote rational improvement, he yet allows himself to be swayed by the advice of interested local politicians, by which means the delay caused between the proposition and completion of a measure causes as much injury as the good that might be anticipated. It is the same with the tenures; either he should not have proposed the clause, or as soon as a reference to the authority in Canada for their opinion (not objection) enabled him, he should at once have had proclamation issued containing the conditions on which any one might take advantage of the terms held out by the Crown. The trouble that would have been saved had this been done. Defends himself against the charge of being actuated by hostility. Is not aware of having said anything that could have led to this belief. He might not have been very complimentary in writing to Galt about his and Bathurst's views respecting the Canada Company. Cannot understand how any sane government could have rejected the offer of two shillings and six pence an acre for

two million acres; could only have said what he felt at the time that he (Wilmot Horton) stood too much in dread of responsibility and too much disposed to listen to the rhodomontade of Dr. Strachan and his friends. Desires to have the case of the tenures disposed of in one way or other, but in such a way as to do credit to the sincerity of government.

Page 46

1825
June 22.

Act to provide for the extinction of feudal and seigniorial rights and for their gradual conversion into the tenure of free and common socage. 1

No date.

Wilmot Horton to Bathurst. Explains the nature of the proposed bill for the amendment of the Act of 1822, respecting the feudal tenure. The law now facilitates the release of the seignor by the Crown but gives no facility for the release of the censitaire by the seignor. The object of the bill is to enable the censitaire to obtain that advantage from the seignor which the seignor has already from the Crown. Explains the provisions at some length. 37

Instructions upon the surrender of fiefs and grants of common socage tenures. 95

Heads of instructions respecting the modes of producing change of tenure in Lower Canada. 105

NORTH AMERICAN PROVINCES.—COMMISSIONERS' REPORT, 1825.

Q. 175—A.

1825.
December 6,
London.

Wellington to Bathurst. Transmits report from the Commissioners to whose recommendations he directs attention and asks that he be authorised to have the measures proposed to Parliament in the next session. Page 1

Copy of report on the North American provinces to the Duke of Wellington by a commission. Table of contents of the report. 7

Report which contains elaborate statements of the condition of the different provinces; means of communication, &c., and in appendices details of works, &c., proposed. 10

GOVERNOR EARL OF DALHOUSIE, LIEUT.-GOVERNOR SIR F. BURTON, SECRETARY COCHRAN 1826.

Q. 176—1.

1824.
July 6,
Quebec.

Report of Executive Council on the claim of Mrs. Drapeau enclosed in Dalhousie to Bathurst, 4th May, 1826. Page 304
(For other reports see Q. 176-2, from page 306.)

1826
February 22,
Quebec.

Dalhousie to Bathurst (No. 193). Has reported the measures taken to alleviate the distress of the sufferers by the fires at Miramichi. Sends return of the expenditure. 1

Enclosed. Return of articles shipped for relief of the sufferers. 2

March 23,
Quebec.

Dalhousie to Bathurst (No. 1). In accordance with instructions, he has chartered the brig "Saguenay" to facilitate communications with the district of Gaspé. Page 3

March 24,
Quebec.

The same to the same (No. 2). There being a difference of opinion regarding the Trade Acts passed in the Imperial Parliament, he had laid these Acts before the legislature, and now sends resolutions of the Legislative Council and Assembly on the subject, with a memorial from the merchants of Montreal. Earnestly solicits consideration to these representations with a view to take measures to amend the Act. 5

March
Quebec

March
Quebec

March
Quebec

March
Quebec

March 2
Quebec.

April 3,
Quebec.

Enclosed. Resolutions of the Legislative Council respecting the trade Act.

Page 7

Resolutions of the Assembly on the same.

15

Memorial of the merchants of Montreal on the same.

22

1826.
March 24,
Quebec.

Dalhousie to Bathurst (No. 3). Had not troubled His Lordship about the sufferers at Miramichi, being assured that Sir Howard Douglas would give the details. Had waited till he saw how far the legislature would authorize the expense for relief. The urgent nature of the case. The nature of the supplies sent and how the expense was met.

34

March 24,
Quebec.

Dalhousie to Bathurst (No. 4). Reminds His Lordship of the pecuniary aid applied for to relieve the heavy demands on the society in Quebec and Montreal for the support of poor emigrants. Authority obtained to expend £1,000. Now sends statement of the expenditure by the society; the funds of which have been spun out by judicious economy for three winters, giving relief to several thousands of emigrants and their families. Again solicits that assistance be given to the society.

36

Memoranda on Dalhousie's application in 1823.

38, 39

Statement of the operations of the society for assisting emigrants and account current of the treasurer.

40, 43

March 24,
Quebec.

Dalhousie to Bathurst (No. 5). Transmits representation from the Trinity House, Quebec, on the necessity of establishing a light house either on St. Paul's Island or Cape North, the north eastern extremity of Cape Breton. As it is of importance not only to the province of Quebec but to Nova Scotia and New Brunswick, he had communicated with Sir James Kempt and Sir Howard Douglas, and has reason to believe the legislatures of these provinces were ready to bear their respective proportions. As the uninhabited rock called St. Paul's Island does not belong to any of the North American provinces, it would appear to be necessary that the preliminary measures should be taken by the British and that the funds for erecting and maintaining it should be authorised by the Imperial Parliament. From the number of British vessels which resort to the St. Lawrence, more than 1,500 annually, hopes that the measure will be viewed as one of national concern.

44

Enclosed. Resolutions of the Trinity House, Quebec.

46

March 24,
Quebec.

Dalhousie to Bathurst (separate). Has transmitted in separate letter of this date memorials from the ministers and congregations of the Church of Scotland in Canada, and now informs his Lordship that a society has been formed in Glasgow which may be useful if any parliamentary action is intended.

75

Enclosed. Prospectus of the society (in connection with the Established Church of Scotland) for promoting the religious interests of Scottish settlers in the British provinces of North America.

7.

March 24,
Quebec.

Dalhousie to Bathurst (separate). Has delayed sending the enclosed memorials from different congregations and ministers of the Church of Scotland in Canada, in hopes to have received the instructions intended in respect to the ministers of that Church. Has already written several times on the subject, but the promises made justify him in again soliciting His Lordship's favourable consideration for the claims of members of the Church of Scotland. The benefits that would be derived from giving their ministers a salary as that would have the greatest influence in promoting the happiness and prosperity of these people.

50

Enclosed. Memorials: St. Andrews Church, Quebec.

52

St. Andrews Church, Kingston.

58

Parish of St. Therese.

61

St. Gabriel Street, Montreal.

66

John McLaurin, Lochiel.

70

April 3,
Quebec.

Dalhousie to Bathurst (private). Complains of the effect of Sir Francis Burton's letter to Papineau and of a junior clerk in the military

1826.

April 3,
Quebec.

secretary's office having opened an official dispatch under instructions left with him by Burton. Page 226

Dalhousie to Bathurst (No. 6). Sends copy of his speech at the closing of the House; regrets he cannot send a more favourable report of the proceedings. The continuance of the claim of the Assembly to the appropriation of the Crown revenue was resisted by the Council, so that no supply bill was passed. Gives a sketch of the origin and progress of the claim by the Assembly to appropriate the Crown revenue. 83

Enclosed. Proceedings of the legislature, including list of bills passed, of those amended, &c., report of committee on the disposal of the Crown revenue, setting forth the grounds on which the Assembly laid claim to the right to dispose of that fund, speech of the Governor General, &c. 92

The speech only (in French). 138

Salaries, &c., unprovided for by the legislature with marginal remarks. 144

Dalhousie, 14th March, 1826, sends to the Assembly copies of two dispatches from Bathurst, dated 24th November, 1824, and 4th June, 1825, to Sir Francis Burton during his (Dalhousie's) short absence. 151

Bathurst to Burton, 4th June, 1825. The unsatisfactory nature of the arrangement respecting the dispute concerning the disposal of the Crown revenue between the two Houses of the Legislature. 152

Correspondence and other documents relating to the same subject containing also the general proceedings of the legislature. 156

Proceedings of Assembly in French. 198

Estimate of the civil expenditure of Lower Canada for 1826. 216

Resolutions of the Assembly asserting the control by the House of every item of the civil expenditure. 218, 221

April 3,
Quebec.

Dalhousie to Bathurst (No. 7). Reminds His Lordship of the dispatch respecting transportation of convicts to Bermuda and asks for definite instructions. 224

April 11,
Quebec.

The same to the same (No. 8). Had transmitted requisition for Indian presents; a further demand made for payment for land purchased from the Chippewas. As the presents cannot arrive this year in time for distribution, suggests that double the quantity should be sent to Quebec this autumn or early in spring, so that two complete payments might be made at the same time next year. Has made a change in the establishment of the Indian department to supply a partial remedy to the complaints that have embarrassed that branch of the service. The secretary, to whom much of the evil was attributed, having resigned, and the agent for the Iroquois of Sault St. Louis who was justified in the course of the investigation, having been allowed to retire, he has appointed Mr. D. C. Napier to be deputy agent and secretary, and expects much benefit from his services. Has increased the salary of Clench, clerk in the department under the deputy superintendent general. Notwithstanding increases in the salaries the pay is less than last year. 228

Enclosed. Supplementary estimate for the first payment of land bought from the Chippewas. 233

Memorial of Joseph B. Clench, clerk in the Indian Department, for an increase of salary. 234

April 15,
Quebec.

Dalhousie to Wilmot Horton. Introduces Lt. Colonel Marshall, superintending the Lanark settlement. 243

A similar introduction of the same date to Bathurst. 244

April 29,
Quebec.

Dalhousie to Bathurst (No. 9). Has received minute as to the military authority to be exercised by civil governors, and as to the allowance of rations to be granted in certain cases to civil governors, being military officers. 246

182
May 1,
Quebec.May 1,
Quebec.May 2,
Quebec.May 4,
Quebec.May 4,
Quebec.May 4,
Quebec.

1826.
May 1,
Quebec.

The same to the same (No. 10). In reference to the animadversions of the Board of Ordnance of the sum of £120 in the estimates for the repairs of the government house at Sorel, explains the need for such a residence; recommends the sale of the seignory with certain reservations.

Page 247

Summary of the preceding letter.

250

Enclosed. Dalhousie to Griffin, 1st May, 1826. Explains the cause of the mistake with respect to Sorel. Considers it still one of the most important points in military operations. The quarter for an officer is a miserable cottage which has been repaired till it can be repaired no longer. Recommends the building of a new quarter opposite the town, and to meet the expense, all the seignory not required for military purposes should be sold, as the revenue is all spent for maintenance. The expense for the building at St. Helen's cannot be avoided this year.

252

Dalhousie to Bathurst (No. 11). Defends the estimate for the charge of a public botanical garden at St. Helen's Island; its usefulness.

255

Summary.

257

Same to same (No. 12). In consequence of His Lordship's dispatch had directed issues of ordnance stores to be made to certain corps of militia in the district of Montreal. Had given warrant to the ordnance store keeper for the amount. The issue of arms not having realised his anticipations, he has decided to call them in. Discusses the principle of paying for the arms, &c., by the province, which does not arise in the present case. Application from the commander of a corps of the town-ship militia for arms and accoutrements for a small troop of cavalry, to be paid for by the persons composing the troop. His objection to this, as thereby the arms would become private property, no control could be exercised to see that they were kept in good order and they would become articles of traffic and might be disposed of to the very persons against whom they were intended to be a protection.

258

Enclosed. Henry Call to Vassal de Monviel, dated Hatley, 27th March, 1826. Respecting the arms, &c., to be furnished to the proposed troop of cavalry.

262

Dalhousie to Bathurst (No. 13). Transmits memorial from the Nuns of the Hotel Dieu at Montreal, for permission to acquire and hold in mortmain such further amount of property as may increase their annual revenue to £3,000, with leave to dispose of part of their property. Their funds being devoted to charitable purposes, recommends the application.

263

Enclosed. Memorial.

265

Statement of the number of patients received in the Hotel Dieu of Montreal in 23 years, 1800 to 1822 inclusive.

269

Dalhousie to Bathurst (No. 14). Transmits proceedings of Executive Council on matters of state.

280

The same to the same (No. 15). By speech transmitted on 3rd April, His Lordship would see the obstinacy of the Assembly in refusing to adopt the only course by which the expenses of the civil government can be provided for. Sends list of the heads of expense unprovided for, with report of the Executive Council which gives him no authority for adopting any measure of relief. He shall be guided by that until he shall receive particular instructions. Shall have no hesitation in paying pensions, as these are free gifts from the Crown and once given are perfect and certain. The hardships of those employed in the service. His anticipation of an amicable settlement falsified. Remedies proposed.

281

Enclosed. Report of the Executive Council respecting salaries and contingent charges not provided for by the legislature.

290

Proposed form of Treasury warrant.

292

May 1,
Quebec.

May 2,
Quebec.

May 4,
Quebec.

May 4,
Quebec.

May 4,
Quebec.

1826.
Schedule of salaries, &c., to be paid out of the duties imposed by the Statute 14 George III cap. 88. Page 296
- May 4, Quebec.
Dalhousie to Bathurst (No. 16). Transmits copy of proceedings of the Executive Council on waste lands of the Crown. 303
Enclosed. Report of the Executive Council on the claim of Mrs. Drapeau. 304
- September 9, Whitehall.
Opinion of counsel of James Stephen, jr., on the application of the nuns of the Hotel Dieu, of Montreal, for letters patent to enable them to hold additional land in mortmain. If the form of the warrant for letters patent were settled, sees no legal objection to granting the application of the Nuns. 270
- October 2, Downing Street.
Wilmot Horton to Sewell. Asks for his opinion on the application of the Nuns for letters patent for additional property to be held in mortmain and with respect to the effect of the system of charity employed by the Nuns. 275
- October 4, London.
Sewell to Wilmot Horton. Points out the bad effect of granting letters patent to the Nuns to enable them to hold lands in mortmain to the extent asked for. 277

GOV. LORD DALHOUSIE, 1826.

Q. 176-2.

1825.
September 9, Quebec.
Reports on the applicants for waste lands of the Crown by the Executive Council from 6th June, 1824, to date. Pages 307 to 389
(The covering letter is dated 4th May, 1826, and is in Q. 176-1, p. 303.)
1826.
May 4, Quebec.
Dalhousie to Bathurst (No. 17). Has received Mrs. Plenderleath's memorial complaining that her case in the King's Bench, Montreal, cannot be settled, the Chief Justice being one of the defendants, so that there is not a quorum. Shall have inquiry made into the circumstances with a view to adopt a suitable course, but on the return of Judge Uniacke the case can be attended to. 390
- May 4, Quebec.
The same to the same (No. 18). In answer to the desire for a return of all fees levied on the shipping trade of Lower Canada received by the governor, his secretary or any other individual not connected with the collection, &c., of the Custom's revenue, no such fees are paid. The only officer not connected with the customs by whom any fee is levied is the harbour master. A return of the fees received by him is sent. 392
Enclosed. Return. 394
- May 4, Quebec.
Dalhousie to Bathurst (No. 19). Had taken steps to prevent the desertion of seamen, and an Act was passed for the purpose by the legislative Council but rejected by the Assembly. The legal steps that might be used; the cause of the desertion is the want of seamen for the new ships built in the province. 395
- May 4, Quebec.
Dalhousie to Bathurst (No. 20). Death of Coltman; recommends John Stewart to succeed him in the Executive Council. Where fees are to be paid on mandamuses. These should be sent to the governor or civil secretary, so that the fees could be collected before the mandamuses are handed over. 397
- May 4, Quebec.
The same to the same (No. 21). In answer to circular, no civil officer is accommodated with house or lodging at the public expense, except the governor, for whom the Castle of St. Lewis, at Quebec, and Government House, at Montreal, are appropriated; the one has a probable valuation of £24,000 and the other of £3,400. There is no authority for the occupation of these buildings except usage from the conquest. 399

1826.
May 4,
Quebec.

Dalhousie to Wilmot Horton. In answer to private note, sends memorandum of the number of acres of land granted in Lower Canada with other particulars. Page 405

May 4,
Quebec.

The same to Bathurst. The sum of £1,805 over drawn by Burton recommended to be provided for by vote of the Assembly, could not be passed for want of time after the arrival of the dispatch. Does not know what would have been the result had there been time. The proposal to grant half the Governor's salary during his absence to the lieutenant-governor does not affect him as he is secured against its operation, but it would be unjust towards his successors. The expensive establishment required in the province. The nature of the expenses which cannot be reduced. Does not object to an increase in the salary of the lieutenant-governor, but it is a severe rule to take it out of the pocket of the governor. Asks His Lordship to hear both sides. 401

May 4,
Quebec.

Same to Wilmot Horton. There are no means of procuring official information, so as to make correct return of the average prices of wheat and grain, but shall endeavour to obtain the information from private sources. 408

May 6,
Quebec.

The same to the same. Objects strongly to the conditions proposed for the retirement of Amyot and the appointment of a successor. How the situation of provincial secretary might be arranged for enabling a reduction to be made. 409

June 3,
Sorel.

The same to Bathurst. Introduces and strongly recommends M. Roux, Vicar General. 415

June 7,
Quebec.

Same to the same (No. 22). Transmits petition for a pension from the widow of George Frederick Rapp, interpreter in the Indian department, with other documents, and recommends the prayer of the petition. 416

Enclosed. Sir John Johnson to Darling. Sends memorial of the widow and children of George Rapp. 417

June 12,
Quebec.

Memorial and other papers. 418 to 423

Dalhousie to Bathurst (No. 23). Agrees with the commissioners that the military post should be at Penetanguishene, and that such advanced posts as Drummond's Island, St. Joseph's and St. Mary's are in a military view at a risk in case of war. Still it is of importance that the British flag should be hoisted at that extreme point. The Indians should continue to rest their confidence on the British; the exertions making by the American Government to establish their superiority in these distant regions; the emigration to Michigan is increasing every year and the military sent to Green Bay and other posts are now battalions instead of detachments. Recommends that a post should be established at Sault Ste. Marie as the nearest to the American fortified post which he has no doubt would be used to cut off the canoes from Montreal. The post he proposed to establish was advised as a measure of policy and information, not of military defence. 424

June 13,
Quebec.

Dalhousie to Bathurst (No. 24). Reports on the claim of Grece with respect to his lands taken for the Grenville Canal, that the letters patent to the lands contained a reservation of such as were necessary for a canal, that legally he was entitled to no compensation as a result of the reservation for the lands taken. The canal is to be constructed as a military work, and it is important to know if such a work can be arrested by an individual under the influence of madness, drunkenness or caprice. Grece never made any demand for a specific sum. Until he does so, government is not bound to do more than make general offers of fair and reasonable compensation. Grece's own outrageous conduct has alone prevented the adjustment of the claim. History of the origin of the case and of the steps taken to ascertain what claims were to be made by landholders for compensation. Sends reports on the subject by

1826.

which it will be seen that the property of Greece was enhanced in value far more than any damage it sustained. Page 427

Enclosed. Extract from the letters patent granting land in the township of Chatham. 436

Notice to land owners along the line of canal to send in any claims they may have for compensation. 438

Du Vernet's report. That Greece be informed, if the order has not been in terms of the reservation, that government is ready to appoint a person to ascertain the compensation to be given; that every attention would be paid to his rights and the least possible damage done. If the order was given by advice of the Council, thinks Greece is not entitled to compensation by law, but he might be paid the amount of the actual damage. 439

Du Vernet to Darling. Reports the conduct of Greece to the corporal employed on the work of the canal and his abusive language. His subsequent proceedings. 440

Deposition of Corporal McMillan of the abusive conduct of Greece. 443

Protest of J. W. Greece against carrying the Grenville canal through his land. 445

Other papers respecting lands through which the Grenville Canal was constructing, offers of compensation, &c. 447 to 452

June 19,
Quebec.

Dalhousie to Bathurst (No. 25). Submits for decision the dispute with the officers of customs by the Assembly having refused to allow a percentage on collection. 453

Enclosed. Statement by the collector of the claims of the officers of customs to the percentages. 456

June 19,
Quebec.

Documents relating to the question. 464 to 498

Dalhousie to Bathurst (No. 26). Has submitted to the Executive Council dispatch respecting the proposal for the establishment of a company for the purchase of the Crown reserves in Lower Canada and sends copy of report. Had already written Simon McGillivray that he had no expectation of the success of such an undertaking; and he has no greater confidence in the success of the modified measure proposed by Felton; the project sprung from the wild eagerness for joint stock companies which prevailed in 1824 and 1825. The success of the land company in Upper Canada remains to be ascertained, but the result of many other speculations shows what may be expected. The settlement of Canada cannot be forced; it must be progressive by the power of a population prospering in its own wealth and not dependent on the means of a great company. Suggests the following plan: (1) That government should put a stop to granting lands gratis, except in a few cases. (2) That commissioners should be appointed in the several counties with authority to cause lands to be surveyed and sold at their value (to be ascertained from time to time) on conditions of settlement. (3) That seven years credit should be given and the patent on payment of the full sum on proof of settlement; under this arrangement companies of individuals might join in purchasing large tracts. (4) That the court of escheats be put into active operation, and that the office of land patents be made the efficient head of these important measures. If His Majesty's government will grant a power to have the required surveys made at such expense as may be necessary to be repaid out of the proceeds of the land sold, has no doubt activity and enterprise would spring up in Lower Canada that would far outstrip the exertions of any fictitious capital that could be received. 499

Enclosed. Report of the Executive Council on the papers relative to the establishment of a land company in Lower Canada. 504

182

June 19,
Quebec.

June 19,
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June 19,
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1826.	Dalhousie to Simon McGillivray. Obstacles in the way of the establishment of a land company in Lower Canada.	Page 506
June 19, Quebec.	The same to Bathurst (No. 27). Reports the steps taken with respect to the change of tenure of seigniorial lands. The liberal terms will not improbably prove an obstacle to the seignors taking advantage of the measure as their vassals will, no doubt, measure their payments on the same scale. Has been advised not to give the same terms to proprietors of houses, &c., in the towns as to the owners of seignories in the country, as the surrender of the feudal dues is a much greater sacrifice by government in the former case than in that of the latter.	509
June 19, Quebec.	Same to the same (No. 28). Recommends an addition to the salaries of the judges of Gaspé and St. Francis, they being inadequate to their station, duties or merits.	513
June 19, Quebec.	The same to the same (No. 29). The master of the Trinity House has never had a salary. Owing to the importance of the duties it has for this reason, been found difficult to induce competent persons to accept the office. Asks leave to recommend the Legislature to provide a salary.	515
June 19, Quebec.	The same to the same (No. 30). Transmits memorial from the judges of the Court of King's Bench for an increase of their salaries.	517
June 19, Quebec.	Enclosed. Memorial. Dalhousie to Bathurst (No. 31). Transmits addresses from the Assembly (1) respecting the Acts for the extinction of the feudal tenure, (2) the Acts regulating the Colonial trade, (3) respecting their rights to apply and dispose of the revenues arising from 14 George III, Cap. 88.	518 523
	Enclosed. Address (1) in English.	524
	In French.	529
	Address (3) in English.	534
	In French.	538
	Address (2) in English.	542
	In French.	550
June 19, Quebec.	Dalhousie to Bathurst (No. 32). Had called on the legislature to take measures for the introduction and circulation of a British metallic currency. Sends address from the Legislative Council, giving reasons why they consider it inadvisable to make any change at present.	558
June 19, Quebec.	Enclosed. Address from the Legislative Council.	559
	Dalhousie to Bathurst (No. 33). Transmits letter from the Chief Justice of Montreal requesting that his salary be made equal to that of the Chief Justice of the province. From the peculiar circumstances, strongly recommends the application.	563
	Enclosed. Chief Justice Reid to Dalhousie. Applies for an increase to the amount of his salary.	564
June 19, Quebec.	Dalhousie to Bathurst (No. 34). Transmits two addresses from merchants, et., praying that the Acts passed in the last session of the Imperial Parliament be not repealed or altered until experience has proved their effects.	568
	Enclosed. Address of the merchants, &c., of Montreal, expressing thanks for the Statutes 6, George IV, Chapters 73 and 114, regulating the trade of the colonies and praying that no alteration be made until time and experience have proved their effect.	569
	Memorial of yeomen and others connected with the agriculture of the County of York, Ottawa River, Lower Canada. Recites the condition of affairs and prays that the Act be not repealed or materially altered until a sufficient time has elapsed to justify a change.	572
	The last address was dated at St. Andrews, Argenteuil, 30th March, 1826, and signed by 1,365 individuals.	

1826
June 19,
Quebec.

Dalhousie to Bathurst (No. 35). Has communicated to Judge Bowen the part of the dispatch of 7th January, relating to the discontinuance of the situation of French translator. Sends representation from Bowen.

Page 578

Enclosed. Representation by Bowen that the situation of French secretary and French translator was given him in 1816, as some slight indemnification for having given up lucrative practice to accept the office of Attorney General. It was not a new and recent creation, but one that had been in existence since the conquest paid out of the permanent revenue of the Crown. It was, however, an office selected by the Assembly for their favourite employment of limiting the permanent revenues of the Crown. Points out the bad effect of yielding to this demand.

579

June 19,
Quebec.

Dalhousie to Bathurst (No. 36) sends copies of six reserved bills. No provision having been made for the public service, thought it right that the appropriations for local purposes should be withheld that the country might be made sensible of the evil consequences of the conduct of their representatives. Calls special attention to the reserved bill to grant Wesleyan Methodists the privilege of keeping registers, of performing the rites of marriage, &c., and to his reason for reserving it.

585

June 19,
Quebec.

Same to the same (No. 37). Had recommended to the Assembly an increase to the pension of Sir James Monck, (Monk) and a provision for Mrs. Ogden, but both were rejected without specific grounds. Had also recommended that Lieut. Gov. Forbes, of Gaspé, should be pensioned and an efficient person placed in his room. The Assembly appeared willing to grant the pension, so that on the death of Forbes the situation might be abolished. This he did not consider advisable. Recommends that Forbes be put on the pension list and that the title of the office should cease but that Crawford should be placed in the situation as superintendent of fisheries or with some such title, with a compensation of £300 a year to superintend the settlement of emigrants on a place he has already selected and reported on and where he has done as much as his limited means enabled him to do.

587

June 19,
Quebec.

Same to the same (No. 38). Has received dispatch containing the pardon of Augustin Kennedy, convicted of murder, on condition of his being transported. The doubts he has as to the terms of the dispatch.

590

June 19,
Quebec.

The same to the same (No. 39). Recommends that Justice Bowen receive a grant of 5,000 acres of land on the usual conditions of settlement.

592

June 19,
Quebec.

Same to the same (No. 40). In consequence of the depredation of timber on the Crown lands, has adopted for this season a plan of licencing similar to that recommended in Upper Canada. Had communicated his determination to Maitland, so that if he agreed the plan could be adopted in both provinces as timber from Upper Canada comes down the Ottawa mixed with that from Lower Canada. Maitland has agreed, and he (Dalhousie) has taken the same step. Recommends the permanent adoption of some such system which is absolutely necessary in the present state of the timber trade and is calculated to bring in a revenue. His Lordship's dispatch arrived too late for surveys to be made, but as soon as summer closed, he would have a survey made of the forests in the neighbourhood of the Ottawa and report.

594

June 19,
Quebec.

The same to the same. (No. 41). Brings before His Lordship the state of the advances made from the military chest in aid of the civil expenditure. A debtor and creditor account exists between the Imperial and provincial Treasury. Recommends that the deficit caused by Caldwell should be assumed by the Imperial Treasury having recourse

1826

June 10,
Quebec.

against Caldwell and his sureties. The amount advanced from the military chest is £76,666 13s. 3d., from which £10,000 is to be deducted, being aid for the La Chine Canal as agreed upon. Deducting Caldwell's debt, there remains due to the province £39,334 currency, which should be paid to the province from the military chest. Suggests the sale of Caldwell's house in Lower town, which could be used for a custom house, the amount of the purchase to be deducted from the debt. Page 598

Dalhousie to Bathurst (Separate). Had carried into effect the system of management of the Jesuit estates in the most modest and inoffensive manner. Encloses Ryland's letter and the answer. He could have passed a severe censure on the letter, but desires to treat it in the meantime as a violent ebullition of temper. Cannot, however, submit to the personal abuse of an inferior officer of government. 601

Enclosed. Ryland to Dalhousie, 12th May. Complains of the treatment he has received by his dismissal from the office of commissioner of the Jesuit estates and of being superseded in the treasurer'ship. Represents family grievances. 603

Dalhousie to Ryland, 16th May. Acknowledges receipt of letter. 612

Dalhousie to Ryland, 28th May. In answer to Ryland's charges justified the measures taken to render the management of the Jesuit estates efficient. 612

GOVERNOR LORD DALHOUSIE, LIEUT.-GOVERNOR SIR FRANCIS BURTON,
SECRETARY A. W. COCHRAN, 1826.

Q.—176-3.

1826

March 9,
Quebec.

Cochran to Wilmot Horton. Apologises for delay in answering inquiries respecting Gaspé, had been in hopes that Felton would have given full information concerning it. Sends results of the information he has obtained. Sends details respecting the district of Gaspé and information as to emigration and emigrants. Page 807

Same to the same. Sends details respecting the Crown and clergy reserves, stating their amount, quantity leased and revenue; how far surveyed; probable value. 821

Gale to Cochran. Enclosed in Dalhousie to Bathurst, 20th June.

Burton to Bathurst. Applies for extension of leave of absence. 805

Dalhousie to the same (secret and confidential). The circumstances of the province made it expedient to leave untouched the question between the Crown and the Seminary. It has now been forced on the notice of government by the application of Gale for the commutation of the tenure of property in Montreal, of which Gale considers the Crown the seignor, but which falls within the pretensions of the Seminary. Cannot evade the question, as that would admit that the Crown had not the right or was not in a condition to support it. There are other cases depending on the result of this application. Suggests that an amicable litigation might be employed to settle the respective claims. 619

Gale to Cochran, 13th April. Applies for a release of feudal rights in fee and common socage of property held by him in His Majesty's seignory of Montreal. Enters at length into the legal aspects of the case as between the Crown and the Seminary. 624

Ready to Roux. Respecting property held by the Seminary in Montreal. In consequence of circumstances, has been induced to make inquiry into previous proceedings of government in relation to that property. Details of the investigation. 643

March 20,
Quebec.April 13,
Montreal.May 24,
London.June 20,
Quebec.

1826.

Roux to Ready (in French). Will send through the Governor General memorial to the King. States the meaning of the name of the Sulpicians of Paris, which is general to the whole order. Maintains the rights of the order to the lands in Montreal. Page 348

Ready to Bathurst. When the Duke of Richmond was leaving on his tour to the upper province, he directed that all the information respecting the rights of the Crown to the Sulpician estates should be collected and sent to His Lordship (Bathurst). Detailed statement of the case of the Sulpician estates. 651

Sewell, Attorney General, to Milnes. Long and detailed historical statement respecting the rights of the Crown to the estates held by the Seminary of St. Sulpice at Montreal. 661

Dalhousie to Bathurst. Introduces Chief Justice Sewell, who can explain the position of affairs in the province. 691

Same to Wilmot Horton. Introduces chief Justice Sewell. 692

June 22,
Quebec.

June 24,
Quebec.

July 1,
Quebec.

Same to the same. A record of the grant of land to Capt. Deane, has been found, of which copy is sent. The land is totally waste and uncultivated, and the grant has long ago been forfeited for want of settlement, so that he had determined to have the escheat formally proceeded with. Had given a conditional promise to a deserving individual at Gaspé, who he had no doubt would give the heirs of Capt. Deane a reasonable compensation. Hopes that facilities will be given to the actual settlers and that the heirs may be told that they cannot hold the land without effectually settling upon and cultivating it. 693

July 1,
Quebec.

Same to Bathurst (No. 43). Transmits representation from the Surveyor General that it would be expedient to revive the situation of deputy and asking the situation for his son, Joseph Bouchette. Recommends the office as advisable and the son as capable. 703

July 1,
Quebec.

Same to the same (No. 44). Has received dispatches respecting the abolition of the naval officer's situation and respecting the custom house establishment. The dispatches of January arrived too late for the subject to be brought before the legislature but he will do so next session. Has no doubt that the mode proposed of paying the custom house establishment will be decidedly opposed in the Assembly. Sends return ordered of the emoluments of the officer from his office for the last seven years with statement of the deduction for expenses. Part of the naval officer's emoluments arose from a percentage on the collection of duties on pilotage, and tonnage. The increase in the fees in consequence of the new construction of the ordinance of 1780. Cannot determine if the public should be charged with emoluments of this nature. That he leaves to His Lordship, as also the compensation to be made to the naval officer. 705

Enclosed. Naval officer's return 1819 to 1825. 708

Return of expenses for the same period. 711

July 5,
Quebec.

Dalhousie to Bathurst (No. 42). Transmits copy of the journals of the Legislative Council and list of the Acts passed during the last session. 695

List of Acts passed. 696

July 10,
Quebec.

Cochran to Wilmot Horton. Explains and justifies his conduct relative to dispatches of which Burton complains and for which he had been censured by Bathurst. 839

August 15,
Quebec.

Same to Gordon. Explains for Wilmot Horton's information a mistake into which he fears he led Wilmot Horton respecting dispatches sent to Dalhousie. 849

August 21,
London.

Burton to Bathurst. Complains that Dalhousie has declined to sign the warrant for his half year's salary, and asks that instructions may be

1826.

August 28,
Quebec.August 29,
Downing
Street.September 4,
Quebec.November 8,
Quebec.

sent that will prevent inconvenience in future of his not receiving his salary.

Page 806

Dalhousie to Bathurst (No. 45a). Will in future have demand for presents for the Indians prepared in June, so as to be sent in July. Sends demand for articles required for the general issue of presents and payment for lands for 1827, exclusive of those demanded by letter of 11th April last.

713

Enclosed. Requisition.

715

Wilmot Horton to Dalhousie. Enclosed in Dalhousie to Wilmot Horton, 10th November, 1826.

Dalhousie to Bathurst (45 B). Had acknowledged dispatch of 28th April with copy of minute from the Treasury, on subject of collecting the revenue, but the method adopted in the West Indies, cannot be applied in Canada, where the circumstances are entirely different. How the revenues are raised in Lower Canada; the difficulty of understanding the Treasury minute in respect to the deduction from the gross revenue. The deficiency that would be caused by the deduction. How is it to be made up? Objections detailed. The certain refusal of the Assembly to consent to the reduction. The interference of the Treasury with the provincial fund will be considered an outrage on the constitutional rights of the provincial legislature and will be decidedly objected to and opposed. Experience must show His Lordship how utterly impossible it will be to urge this measure with success. Presses this point by various reasons and stating the objections that will be raised.

716

Same to the same (No. 46). Has received dispatches with enclosure from the Board of Ordnance on the subject of the military post and buildings at Sorel. Explains the situation regarding which there is a misunderstanding. Describes the position, &c., of the town, of the government buildings, &c. The building called Government House is a small building originally established in 1784, for quarters for the officer in charge of a detachment, and is never occupied by the civil governor unless he is also military commander. The importance of Sorel in the defence of the province. Its importance shown when in possession of the Americans during the Revolutionary war. Had already reported on the proposal to build a new house, having advised in 1820 that it should be done, as the old one was not fit for an officer's family. Still advises it, as he thinks the commander of the forces should be lodged according to his rank.

723

Enclosed. Dalhousie to Harrison, 21st November, 1820 (extract). Recommends building a house at Sorel for the residence of the commander of the forces.

729

Dalhousie to Bathurst, 27th October, 1820. Brings under consideration the question of house accommodation for the governor of the province. In summer time the Governor cannot remain in the Government House and must seek shade elsewhere; cannot find a house to rent fit for a family. The only place is William Henry, and the house is so small that tents must be pitched for the servants, &c., and the house is nearly tottering and must be expensively repaired; suggests building, and states its advantages; repeats his sense of the importance of Sorel in a defensive point of view.

731

Dalhousie to Bathurst (No. 10). In reference to the animadversions of the Board of Ordnance on the sum of £120 in the estimate for the repair of the Government House at Sorel, explains the need for such a residence; recommends the sale of the seignory with certain reservations.

735

Dalhousie to Griffin 1st May, 1826. Explains the cause of the mistake with respect to Sorel. Considers it still one the most important

1826.
points in military operations. The quarter for an officer is a miserable cottage, which has been repaired till it can be repaired no longer. Recommends the building of a new quarter opposite the town and to meet the expense all the seignory not required for military purposes should be sold as the revenue is all spent for maintenance. The expense for the garden at St. Helen's cannot be avoided this year. Page 738
- November 10, Dalhousie to Bathurst (No. 47). In compliance with direction, shall lay the explanation of the censure of Sir Francis Burton before the Assembly, thereby recording his (Bathurst's) justification of Burton being put on record. 741
Quebec.
- November 10, Same to the same (No. 48). Would have granted the application of William Bowran for the grant of 1,000 acres of Crown reserve in Hinchinbrooke owing to his faithful services, but it being a Crown reserve had thought it necessary to apply for authority. 743
Quebec.
- November 10, Same to the same (No. 49). Asks for the necessary power to transport a certain class of prisoners, whose cases do not appear to be covered by authority given. 744
Quebec.
- Enclosed.* List of the prisoners and the charges on which they were convicted. 746
- November 10, Dalhousie to Bathurst (No. 50). Had reported that he would not pay the salaries or allowances unprovided for last session, unless the Executive Council should advise doing so. Had received letter from him (Bathurst) hoping that the Council would not so advise. Transmits extract from report of the Executive Council, showing that the deficiency for the expenditure should be made up from the general fund which is understood to be the unappropriated funds of the province. Considering this and the hardships caused by the withholding the salaries he has caused them to be paid to the end of the year. 751
Quebec.
- Enclosed.* Extract from report. 754
- November 10, Dalhousie to Bathurst (No. 51). Has received dispatch that His Lordship supposed the bill had been passed granting to Protestant dissenters the privilege of keeping registers of baptisms, &c., but this bill was reserved and has not gone into operation. 756
Quebec.
- November 10, Same to the same (No. 52). The objection to the appointment of Joseph Bouchette, jr., as deputy Surveyor General on the ground of additional expense has been received. There was no intention to add to the expense, as Bouchette is already employed. It was only to authorise such a position as to enable him to act for his father during the latter's absence. 757
Quebec.
- November 10, Same to Wilmot Horton. Is not clear on what points regarding the Jesuit estates Bathurst desires an opinion. Imagines it is on the addresses of the Assembly claiming those estates for the purposes of general education. Transmits statements of revenue and expenditure under the former system of management by a board and a sort of estimate of what the expense will be under a commission and clerk. Has not had time, however, to set the machine in motion; the allowances to the late treasurer and clerk seem to him unnecessary and unmerited, and that the expense for schools, which are no better than other schools, is a waste of a small revenue. The embarrassment caused by the failure of Caldwell. 772
Quebec.
- Enclosed.* Account of the gross revenue from the Jesuit estates for six years ending 1st April, 1826. 775
- Sketch of the general annual appropriation of the revenue prior to 1st May, 1826. 776
- Estimate of annual expenses from 1st May, 1826. 778
- Wilmot Horton to Dalhousie, 29th August, 1826. For Dalhousie's opinion respecting the Jesuit estates. 780

1826.
November 10, Dalhousie to Bathurst (No. 53). Transmits requisition for stationery
Quebec. for 1827. Page 759
- Enclosed. Requisition. 760
- November 10, Dalhousie to Bathurst (No. 54). Has received directions for the
Quebec. retirement of the present lieut. governor of Gaspé (Forbes) and the
appointment of Crawford, as superintendent of fisheries. The Assembly
is not disposed to grant Forbes a pension unless the local appointment
shall be suppressed. How the matter could be arranged. 762
- Notes on the foregoing letter. 764, 765
- November 10, Dalhousie to Wilmot Horton. In reference to Kemble's desire for a
Quebec. seat in the Legislative Council, he is an industrious man in his station,
but is not in such a position in the country as to have the smallest pre-
tension to such an appointment. 771
- November 14, Same to Bathurst (No. 55). Has been able to visit the distant parts
Quebec. of Lower Canada from Gaspé to the remotest accessible navigation of
the Bay Chaleurs, at the Indian settlement on the Restigouche River.
The country far exceeds any description he had received, although the
habitations are thinly scattered, the people being chiefly poor Acadian
French families and some Irish and Scotch settlers raising a scanty sub-
sistence under great disadvantages from the want of magistrates, &c.,
yet a more beautiful country and finer soil cannot be imagined.
Describes the fisheries, &c., and recommends the construction of a new
road to connect Nova Scotia, New Brunswick and Canada by Lake
Matapedia to Métis on the St. Lawrence. The officials required. 766
(A note says that No. 56 was not received.)
- November 14, Dalhousie to Wilmot Horton. Sends his opinion respecting emigra-
Quebec. tion, which he gives as his personal opinion only. The sale of land to
moneyed emigrants to Upper Canada advisable. The conveyance of
emigrants to Upper Canada extravagant. Were stations fixed, surveys
made and rations given under strict superintendence, emigrants would
flock in at their own expense. These points are dwelt upon at some
length. 782
- November 16, Cochran to the same. Further explanation in respect to the charge
Quebec. of misleading Wilmot Horton, and that he refused to express regret.
What he really said on the latter point, as he did not conceive himself
guilty of misconduct, but only of inadvertence. 855
- November 16, Dalhousie to Bathurst (No. 57). The benefit to the poor emigrants
Quebec. by the gift of condemned barrack bedding. The distress caused by the
discontinuance of the practice. Precautions taken to prevent apprehended
abuse. 796
- Enclosed. Return of unserviceable bedding. 799
- Rev. Dr. Mills to —, 11th November, 1826. Transmits repre-
sentation of the Emigrant Society on the subject of the withdrawal of
the grants made in previous years of unserviceable bedding for the use
of emigrants. 800
- Return of barrack bedding, &c., with the amount for which it sold. 802
- November 21, Dalhousie to Bathurst (No. 58). Death of Claus, Indian superinten-
Quebec. dent. Appointment of Darling which is recommended to be made per-
manent, and that he succeed Sir John Johnson, now at a very advanced
age. 803

PUBLIC OFFICES, 1826.

Q—177.

1825.
No date.

Agreement of Felton on the part of the Lower Canada Company to take the Crown reserves and one third of the clergy reserves; how these are to be taken, what money is to be expended on them and how they are to be managed. Page 239

(The agreement is apparently the form of agreement only, being neither signed nor dated).

September 2,
London.

Resolutions of a meeting at which it was agreed to form a company to acquire the Crown and clergy reserves in Lower Canada. 244

1826.
January 7,
Treasury.

(Part of these resolutions and statement are in previous volumes.)

Horton to judge of the vice Admiralty court. Enclosed in Hill to Wilmot Horton, 29th June.

January 25.
Ordinance.

Byham to Wilmot Horton. The sum of £120 for repairs to the Government house and attached buildings at William Henry has been struck out as not belonging to the description of military buildings. 82

January 26.

Amyot to —. His appointment as secretary and registrar of records, with power to appoint a deputy was dated in March, 1807. For five years he received from £550 to £700 sterling annually, from 1812 to 1819 he received little more than £500 annually. Appointments consequent on the death of Taylor; his willingness to come to an arrangement, provided a sum exceeding his reduced emoluments should be secured to him, free from the control or animadversions of the provincial legislature. 264

January 31,
London.

Account of the quantity of wheat imported from Canada in 1825. 267

February 6,
Quebec.

Darling to Sir John Johnson. Enclosed in Herries to Hay, 25th September.

February 10
Ordinance.

Hardinge to Wilmot Horton. Sends two copies of engineer's report on the North American provinces for the use of Bathurst and himself. 84

February 18,
Admiralty

Barrow to the same. Has received letter from Gordon, agent for Dalhousie, that he cannot at present repay Dyer the £649 12s. 6d. advanced by him to pay the expenses of Dalhousie's passage to Canada, having no instructions to that effect. The serious inconvenience to which this has put Dyer. 3

February 21,
Doctors' Commons.

Robinson to Bathurst. The difficulty of settling the question of the appointment of Roman Catholic Bishops in Canada. The free exercise of the Roman Catholic religion in Canada is subject to the King's Supremacy as essentially opposed to the exercise of any authority by the Pope. The question to be referred should be whether the appointment of a Catholic Bishop in Canada can legally be made by His Majesty by letters patent under the Great Seal, or under the provincial Seal, under special instructions or warrant from His Majesty. 68

February 25,
Downing Street.

Bathurst to the Law Officers. Refers the question of the appointment of a Roman Catholic Bishop in the terms recommended by Robinson in letter of the 21st. 70

March 1,
London.

Resolution of the House of Commons for return of the expenditure in Upper and Lower Canada since the peace of 1815-16, distinguishing those of the two Provinces. 1

March 1,
London.

Goulburn to Wilmot Horton. Transmits letter from Dr. Hayman on the subject of emigration from Ireland. 268

Dr. Hayman to Goulburn. The earnest desire of the people to emigrate to the British North American colonies. Their struggles to raise money for passage and provisions for the voyage. The great benefits

1826.

that would be conferred by government contributing a small proportion of the expense. Page 269

March 2, Foreign office. Planta to Wilmot Horton. By Canning's directions, he has detained the American Mail till Wednesday next. 18

March 9, Treasury. Herries to the same. The Lords of the Treasury have no objection to Caldwell continuing in possession of Lauzon for two years at an annual rental of £2,000, till it be ascertained if the property can be legally made available for the Crown's debt. The remainder of the property proposed to be surrendered cannot be taken at an estimated price, but must be sold and the net proceeds considered as in liquidation of the Crown's debts. 96

March 10, Treasury. Same to the same. In reference to the supply of Bibles for which an account has been sent, asks if authority was given by Bathurst for this supply, and if it was understood the Bibles were to be paid for by the public. 99

March 14, Treasury. The same to the same. The Lords of the Treasury consider that Dalhousie's proposals for the audit of the public accounts in Canada should be approved of and instructions sent to Dalhousie to that effect. 100

March 15, Ordinance. Byham to the same. In accordance with Bathurst's desire, an account, to be laid before the House of Commons, of ordnance expenditure in Upper and Lower Canada will be prepared that is from 1815 to 1823 for ordnance alone, from 1823, the military works and buildings were transferred from the army extraordinaries. Only the Treasury can furnish an account of the whole expenditure from 1815 to 1823 inserted in the army extraordinaries. 85

March 30, Tunbridge Wells. Stephen to Baillie. Believes that the complaints of Mrs. Plenderleath and of Simon McTavish are remedied. A new Chief Justice has been appointed, but the presence of a Chief Justice is not necessary to enable the court to act. 76

March 31, Whitehall. The same to Wilmot Horton. Retains the opinion that the order in Council to introduce British coins throughout Canada is subject to the objection raised by the law officers in Canada and that the order should be sent to the Attorney and Solicitor General for reconsideration. 77

April 24, Treasury. Herries to the same. Orders have been given to pay Butterworth £548 2s. 8d. expenses for the maintenance, &c., of four Canadian chiefs. 102

April 24, Treasury. Hill to the same. Sends copy of or from the ordnance respecting Indian presents. 103

Enclosed. Byham to Hill. In consequence of the time taken to prepare the Indian presents, instructions should be given that the requisitions should be prepared earlier. 104

April 24, Treasury. Herries to Wilmot Horton. Orders have been given to pay for the Bibles (see 10th March p. 95) out of the grant for civil contingencies, but Bathurst should be moved not to sanction a similar expenditure without a previous communication with the Lords of the Treasury. 101

April 27, Foreign office. Planta to the same. Transmits copy of letter (with enclosures) from Barclay, commissioner under the 6th and 7th articles of the treaty of Ghent, stating the points on which difficulties may arise in regard to the boundaries. Canning desires to have Bathurst's opinion on the subject. 19

Enclosed. Barclay to Canning states the points on which differences may arise respecting the boundary line. There are three particulars of interest each of which will probably produce mutual claims. (1) The course of the line through the Neebish channel and the appropriation of the Neebish islands. (2) The direction of the boundary from the head of Lake Superior to the Lake of the Woods. (3) The establishing the most north western point of the Lake of the Woods. These points are

	1826.	discussed in detail, the discussion of them being taken in inverse order.	Page 20
May 3, Carlton House.		Order in Council. That the Right Reverend John Charles, Bishop of Quebec be appointed a member of the Executive Council of Upper and Lower Canada	8
May 9, Ordnance.		Byham to Wilmot Horton. Asks for answer to letter of 10th March respecting Dalhousie's propo-al for the removal of the garrison of Drummond Island.	87
May 15, Lincoln's Inn.		Hampson to Hill.	
May 20, Quebec		Kerr to Hampson. Both enclosed in Herries to Wilmot Horton,	22nd July.
May 25, London.		Wilson to Peel. Calls attention to four objects connected with Peel's proposed consolidation of the laws with regard to theft. They are (1) A house of industry for destitute boys between the ages of eight and fifteen. (2) An establishment for criminal boys of the same ages. (3) The employment of a large proportion of convicts in British North America. (4) The establishment of places in the Metropolis for the reception of vagrants where they should be solely employed in breaking granite and flint for the roads. The plan he proposes to reach the different classes. Sketches the progress of a London thief; he proposes that convicts should be employed on the public works of Canada. His proposals are stated minutely and at some length.	36
May 29 London.		Secretaries to the Society for promoting education and industry in Canada to Bathurst. Apply for a free passage for Osgood, for two schoolmasters and for their books and baggage.	271
May 31, Treasury.		Hill to Wilmot Horton. To direct the governors of the several provinces to send full and particular accounts of mines of all descriptions within their respective governments.	105
May 31, London.		Osgood to Bathurst. Should the request for a free passage to him be granted, asks that he be accommodated on the last vessel to give him time for preparation.	272
June 6, Whitehall.		H. Hobhouse to Wilmot Horton. In respect to the transportation of convicts from the British Colonies in America and the West Indies, the sentence must be notified to the Secretary of State before the transfer of the convict can be legally accomplished.	32
June 17, Foreign office.		Canning to Bathurst. Transmits letter from McMahon on the subject of emigration.	30
June 24, London.		Secretaries of the Society for promoting education and industry in Canada to—send paper showing the arrangements for the celebration of the first anniversary of the society.	306
		Enclosed. Arrangements for the celebration.	307
		The object of the Society, proceedings at Liverpool, subscriptions there, &c.	368
June 26, Ordnance.		Fitz Roy Somerset to Wilmot Horton. Sends copy of Wellington's letter on the defence of the North American Colonies.	88
June 28, London.		Osgood to Bathurst. Asks for a short interview.	315
June 29, Treasury.		Hill to Wilmot Horton. In reference to the petition for compensation prayed for by the vice Admiralty judge at Quebec for the loss sustained from the abolition of prize jurisdiction, the judge not having complied with the instructions, the Lieut. Governor is to be desired to take steps to recover the droits.	106
		Enclosed. Herries to the judge of the vice Admiralty Court. Sends instructions as to the disposal of the droits of the Admiralty.	108
June 29, Treasury.		Hill to Wilmot Horton. The Treasury will defer giving any directions respecting the establishing of the British metallic currency in the Colonies until their Lordships learn what proceedings the legislatures	

1826.

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July 1,
London.

July 6,
Treasury.

July 10,
Treasury.

July 17,
London.

July 19,
London.

July 21,
London.

July 21,
London.

July 21,
London.

July 22,
Treasury.

July 25,
Post Office.

July 25,
Ordnance.

have adopted. The great inconveniences of the present system of which instances are given. Page 110

Osgood to Bathurst. Earnestly asks for an interview to receive advice and instruction. The good effect produced on the Indians to whose service he is returning, if he could be introduced to the King and be able to tell the Indians that he had spoken of them to their great father. Submits papers respecting his character, one of which contains his own views and feelings, the other contains the object of his proposals, outline of how it is to be managed, &c. 316

Enclosed. Friendly hints addressed to all who love our common Lord. 318

An affectionate appeal to Christian benevolence for the promotion of education and industry among the Indians and destitute settlers in Canada. 323

Hill to Wilmot Horton. Sends supplementary estimates for Indian presents. 113

The same to the same. Has laid before the Treasury recommendation to appoint John Davidson to superintend the woods and forests in Lower Canada. Copy of the instructions proposed to be given is wanted which, it is presumed, will contain a statement of the regulations for issuing licenses for cutting timber, the fees and the disposal of the proceeds. 114

Osgood to the same. Asks him to become a vice president of the society for promoting education and industry in Canada. 332

Report of the meeting of the committee of the society for promoting education and industry in Canada. Edward Ellice in the chair. 333

Wilson to Peel. To meet the distress so prevalent among the manufacturing classes, proposes that government should employ men at spade husbandry. The importance of cultivating fine flax. Extracts given as to the state of distress. 47

Same to the same. Explains the cause of the delay in delivering letter of introduction from Lord Elgin. 57

Wilson (?) to Wilmot Horton. Should the Colonial department sanction convicts being sent to Canada, he would proceed to prepare a plan for their reception. The work to be provided by the formation of canals: the benefit of joining this plan to a system of emigration for the distressed manufacturers. 59

Herries to the same. Transmits letter from Hampson receiver of the *droits* of the Admiralty respecting arrears from the Quebec Station. Kerr has appropriated the money to his own use, on which the Lords of the Treasury express no opinion, but desire that security be required from him for the due remittance of this money. 115

Enclosed. Hampson to Hill, 15th July, respecting arrears of the *droits* of the Admiralty at the Quebec station for the directions of the Lords of the Treasury. 116

Kerr to Hampson, 20th May. Explains the cause of the *droits* not being paid over. 117

Freeling to Wilmot Horton. The amount received for postage in Canada is paid into the Exchequer like all other postages. There is no distinction between Upper and Lower Canada, the revenues of both are blended. After paying expenses, the net average amount for seven years is £5,790. The expenses of conveying mails between Great Britain and British North America may be estimated at £10,000 per annum. 216

Fitz Roy Somerset to the same. Before Wellington could express an opinion on the subject of Harvey's proposal to dispose of his estate at Quebec, it was necessary to make a reference to the commanding Royal Engineers there. 89

1826
July 26,
Treasury.

Hill to Wilmot Horton. The Lords of the Treasury authorise the issue of various articles from the public stores for the relief of the sufferers by the fire in New Brunswick, and have directed a copy of Dalhousie's letter and schedule to be sent to the Ordnance office in case any of the articles should be replaced. Page 122

July 27,
Admiralty.

Croker to the same. The Lords of the Admiralty have received representation of the expediency of having a lighthouse placed either on St. Paul's Island or on the north eastern extremity of Cape Breton; their Lordships are of opinion that such a light would be advantageous, and that it should be placed on St. Paul's Island. 5

July 28,
Treasury.

Herries to the same. The Lords of the Treasury have approved of the terms for the hire of the brig "Saguenay" for the use of the Governor General and of the Bishop. 124

August 1,
Loughiton.

Hamilton to ——. For written instructions, so that proper authority may be given and misapprehensions avoided. Suggests as a method of removing the burden of the Church Establishment in the Canadas, the appropriation of lands under the control and management of an efficient corporation, and in the meantime the appropriation of any local funds at the disposal of the local government or a direct grant from the same. Instructions from the Secretary of State would, no doubt, be more effective than suggestions from the Board. 223

Undated and unsigned form of letter on the subject, apparently to Lord Dalhousie and written by Hamilton. 227

Undated and unsigned letter to the Lord Bishop of Quebec, on the same subject. 233

August 2,
Port-mouth.

Powell, Collector of Customs, to Bathurst. A bag of dispatches was landed from the "Roxborough Castle" and handed to Sewell, whose receipt is enclosed. 338

Enclosed. Receipt from Chief Justice Sewell. 339

August 4,
Whitehall

Peel to Wilmot Horton. Questions as to the possibility, with due regard to moral improvement and safety, of employing convicts on public works in Canada. 33

August 7,
House of
Commons.

Chalmers to ——. The report on emigration has been promised by Hansard early if the proofs are not delayed. 340

August 12,
Lincoln's Inn
Fields.

Campbell to Wilmot Horton. Sends account for books supplied by the Society for Promoting Christian Knowledge by the direction of Lord Dalhousie. 341

Enclosed. Account, which includes that against the Governor of Cape Coast Castle and that against the Bishop of Quebec. 342

August 17,
Whitehall.

Dawson to Wilmot Horton. The condition contained in the pardon to Augustin Kennedy that he should be transported to New South Wales or Van Diemen's Land is regular and in accordance with the Act. 65

August 25,
Treasury

Hill to the same. It does not appear to the Lords of the Treasury necessary to press further on the legislation of Lower Canada the question of the currency. 125

August 28,
Ordnance.

Fitzroy Somerset to the same. Transmits correspondence respecting Mathews. There is no record of his having had permission to reside in Canada; there is no objection to his being ordered to return should it be thought advisable. 90

August 28,
Ordnance.

Byham to the same. The Board has received copy of dispatches from Dalhousie respecting repairs to the Government House at Sorel, which in 1823 was not considered a military post. It appears to be now so considered and the Master General and Board have no objection to incur the small expense of £120, till the question be decided. 91

August 29,
Horse-Guards.

Taylor to the same. Under the circumstances stated, the commander-in-chief will not object to extend Sir John Harvey's leave of absence. 7

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1826.
August
London.

Felton to Wilmot Horton. Desires to know the determination come to respecting the formation of a company to acquire the Crown and clergy reserves.

Page 250

The terms sent by Wilmot Horton on which Dalhousie was to negotiate with the Canada Company.

September 1,
Windsor.

Order-in-Council that John Stewart be appointed a member of the Executive Council of Lower Canada.

September 6,
Treasury.

Herries to Wilmot Horton. There are no funds from which a pension could be provided for the widow of George Frederick Rapp, an Indian interpreter.

September 8,
Strathfield-
saye.

Wellington to Bathurst. Does not approve of troops being placed at St. Mary's. An interpreter and an officer might be, should the latter be thought desirable; but even if troops were placed there, the establishment of the North West Company should not be purchased. Orders have been sent for a report on Penetanguishene.

September 16,
Office of
Trade.

Porter to Wilmot Horton. If Ferguson will address a petition officially to the Board of Trade, a letter will be written to the Treasury recommending the exportation of the manufacturing utensils to Quebec.

September 19,
Hudson's Bay
House.

Pelly to the same. Asks what instructions have been sent to Dalhousie respecting taking possession of the buildings at Sault Saint-Marie and if the purchase money can be received.

September 23,
Doctors'
Commons.

Law Officers to Bathurst. State the law and practice as to the exercise of the Roman Catholic religion in Canada, and think that the appointment of a Catholic Bishop by the King would operate as a devolution from the Crown of its supremacy as it exists in England by the Law and Constitution of the realm.

September 25,
Office for
Trade.

Porter to Wilmot Horton. Have had under consideration 39 Acts of Lower Canada, passed in 1824, numbered 470 to 508. The Lords of Trade withhold their opinion on 484, for the establishment of elementary schools, but return the others, as they see no reason why they should not be left to their own operation.

September 25,
Treasury.

Herries to Hay. Sends for Bathurst's opinion copy of letter from the military secretary, Quebec, authorising the continuance of the pension of Louis Vincent to his widow.

Enclosed. Darling to Sir John Johnson. The pension of Louis Vincent is to be continued to his widow, now 78, till her death.

Note of 29th September, asking for opinion of Counsel on the question.

Opinion of Counsel that Dalhousie has no authority to grant pensions to the widows of officers of the Indian department, 7th October, 1826.

September 29,
October 6,
Whitehall.

——to Stephen. Attached to Herries to Hay of 25th September. Stephen to Wilmot Horton. Cannot discover any power in Dalhousie's instructions to grant a pension without the previous sanction of government, nor is it possible to understand how he is to provide for one. Herries might be told that Bathurst has not been informed of the ground for the grant, not to state positively that there is no authority, as one may be discovered, although he does not know of its existence.

October 7,
October 18,
Treasury.

Opinion of Counsel attached to Herries to Hay of 25th September. Hill to Wilmot Horton. Desires to see him to consult on certain points. The proposed instructions for the persons to be appointed Surveyor General of Crown lands and commissioner for their sale to be sent to him for Bathurst's consideration, so as to avoid contradictory instructions.

October 19,
Treasury.

The same to the same. In reference to schedules A. B. C. and D., of salaries in Lower Canada, and asking for warrant for those under schedule A., to be provided for, the Lords of the Treasury transmit copy

1826.

of the warrant for these salaries, and also of the warrants to be submitted for His Majesty's signature for payment of the salaries B. and C., but they are not aware of the existence of any fund to pay those in schedule D. Page 134

Enclosed. Form of warrant. 136

Schedule of the salaries to be paid. 141

Another form of warrant in which is included list of salaries to be paid. 143

Another form of warrant with list of salaries to be paid. 147

October 20,
Ostend.

Hamilton to Wilmot Horton, Had called, but finding him engaged had not interrupted him. His absence will not exceed a fortnight and on his return he will call again. 237

October 21,
Treasury.

Hill to the same. The Lords of the Treasury cannot grant the petition of David Duffin for a pension. 149

Enclosed. Report of the Commissioner of Customs on Duffin's petition. 150

October 23,
Treasury.

Hill to Wilmot Horton. The Lords of the Treasury having approved of the proposal to appoint two persons in Lower Canada, one for the sale and management, and the other to be Surveyor General of Crown lands, they will recommend W. B. Felton to be appointed to the former and John Davidson to the latter office and that their respective salaries are not to exceed £500 or with commission £1,000 annually. Sends copies of the proposed commission and instructions. Reports should be sent which are to be made by these officials, &c. 152

October 26,

Freehling to Wilmot Horton. The post master general desires to have Dalhousie's opinion as to the length of the stay of the packets at Quebec under the new system. By the old system, there was an interval of thirty days between arrival and departure of the mail packet owing to the going to and returning between New York and Halifax, and there was time for Quebec to answer by the same mails. What time should be allowed now? 219

October 30,
Treasury.

Hill to the same. In reference to the representation of the debt due by Lower Canada to the military chest of £66,666 the Lords of the Treasury consider that whatever debt is due should be paid in such way as may be most convenient to the colony. 158

October 30,
Treasury.

The same to the same. The Lords of the Treasury cannot admit that Lower Canada has any claim on the United Kingdom to indemnity for the losses sustained by the insolvency of Caldwell. How Caldwell was appointed and the control that should have been exercised over him by the legislature; how money collected can be appropriated to the diminution of the debt. Suggestions for the security of the public revenue that may be in the hands of the Receiver General. 15

October 30,
Treasury.

The same to the same. Owing to the illness of Robinson's daughter, he had been prevented from seeing him. Herries had returned and his views on the subject of late letters are given. On the letter respecting the loss sustained by Caldwell's default, it is thought better it should not be sent; has made several changes in it. On the letters respecting the aid from the military chest it should be resorted to only in case of extreme need and to be justified on that ground. 165

October 31,
Treasury.

Hill to the same. The amount of £5,000 asked for by the Royal Institution for the advancement of learning in Lower Canada must be applied for to Parliament and the Lords of the Treasury do not think it would be expedient to do so. 167

November 10,
London.

Freshfield to Stephen. Submits a question of construction in the arrangement between government and the land company. Bathurst holds that the £20,000 payable within the first year is available at any time, the shareholders consider that it is only payable at the end of the year and that any paid before that is an advance optional on the part of

182

November
Treasury

November
War Office

December
Post Office

December

No date.

1825.
February 1
Downing
Street.

1826.
January 12
Chatham.

January 15,
Chatham.

January 19,
Herts.

1826.

- the company and a convenience to government. The directors are ready to pay the amount, but if it is an advance it is subject to interest. The preference might be settled by three gentlemen at the Bar, one to be named by the Colonial Office, one by the company and the third by the rest two. The precautions to be taken to preserve the company in its responsible shareholders who might sell out leaving an inferior class in their room. Page 257
- November 15, Hill to Wilmot Horton. Copies of commissions of the commissioners for the sale and management of the Crown lands in Lower Canada. 168
- Enclosed. Copy of commission to W. B. Felton of same date. 169
- Regulations for disposing of the waste lands of the Crown in New Brunswick dated in 1829. (These regulations are evidently misplaced.) 172
- Instructions to Felton, dated 13th November, 1826. 186
- Commission to John Davidson to be Surveyor General in Lower Canada, 13th November, 1826. 200
- Instructions to John Davidson, Surveyor General, 13th November, 1826. 204
- November 22, Sullivan to Wilmot Horton. Paymaster William Kemble has applied for permission to receive his half pay with his income in his civil situation; desires to know the annual amount of his salary and emoluments in his civil capacity. 215
- December 28, Freeling to Wilmot Horton. For a decision on letter of 26th October relative to the time the packet should remain at Halifax. 222
- December —, Hamilton to —. Has received application from Jackson Wray to be sent as a missionary to British North America, and have placed his name on the list of candidates. 238
- No date. Petition of the ship owners of New Castle complaining of the desertion of their seamen at Quebec and other foreign ports. 346
- Unsigned, undated and unaddressed in the handwriting of Rev. Mr. Osgood. Sends a specimen of the printing of his infant society. 273
- Report of the society for promoting education in Canada, its origin, minutes of proceedings, list of subscribers, &c. 274
- Rules and regulations of the Edinburgh auxiliary society for promoting education and industry among the Indians and destitute settlers in Canada, with selected list of subscribers, committees, minutes, general list of subscribers, &c. 282

MISCELLANEOUS, 1826

(Volume 1 is paged from 1 to 311, volume 2 from 312 to 614.)

Q. 178-1-2.

1825. J. W. Greece to Wilmot Horton. Has been referred by the Privy Council to the Colonial Office for an answer to his claim for land taken to build a canal. 276
- February 17, Downing Street. Bishop (Anglican) of Quebec to Wilmot Horton. As he desires to reach his diocese before the opening of navigation, applies for an allowance in lieu of the passage he would have received on board a ship of war. 447
1826. January 12, Clapham. Petition of David Duffin, stating his services, the accident that made him helpless, &c., and praying for relief. 125
- January 15, Clapham. J. W. B. Mountain to Bathurst. Forwards memorial from Mrs. Mountain, widow of the late Bishop of Quebec. 386
- January 19, Herts. Enclosed. Petition from Mrs. Mountain widow of the late Bishop of Quebec, stating her husband's services and praying for a pension. 387



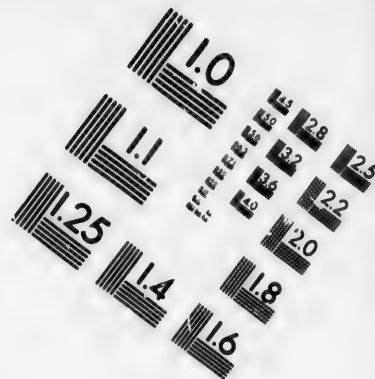
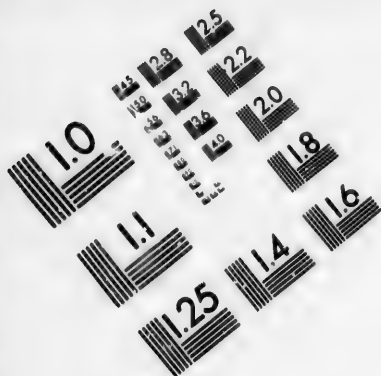
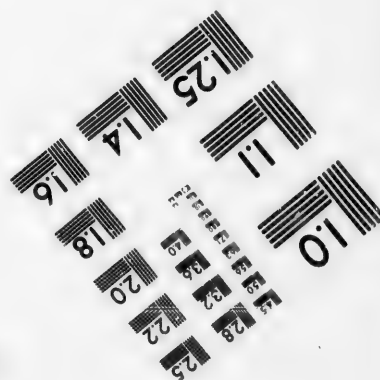
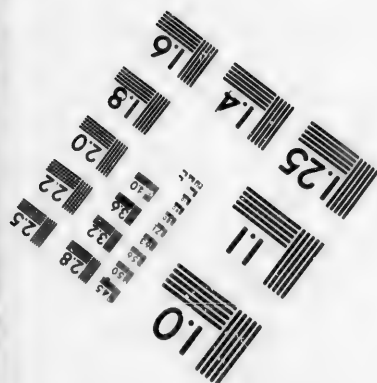
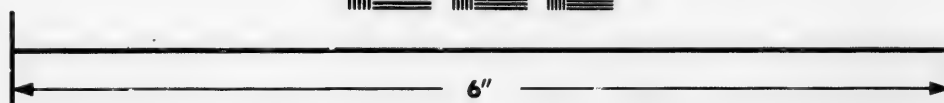
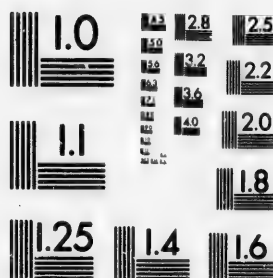


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1826.
January 19, Mulligan. James Brabazon to Bathurst. His desire to go to Canada to follow his profession as Minister of the Established church. Page 5
- January 21, Balliville. Garrey to Bathurst. Has received answer to memorial respecting the estate of his brother, in the township of Jungo Cacanoi (Chinguacousy) Near Little York (Toronto). Cannot go to Canada as advised; asks that Bathurst name some one to whom a power of attorney could be addressed. 273
- January 21, London. Felton to Wilmot Horton. Transmits petition from the townships of Lower Canada. The difficulties of governing the province are, he is afraid, only beginning; the nature of these difficulties; the prospect of their being counteracted by the action of the townships. How the Acts of the Assembly could be neutralised in their effect on government and other considerations. 219
- January 22, London. Harvey to the same. Reports the death of M. Plessis, Bishop of Quebec. 354
- January 27, Lincoln's Inn. Deane to the same. His uncle, Joseph Deane, now dead, obtained a grant of land at Gaspé to which he is heir, as nearest of kin. He desires to have a certificate of proprietorship with a view of selling. 129
- January 28, Bath. Bishop Anglican of Quebec to the same. Thanks for the application that has been made to the Treasury for £300 to be paid him in lieu of a passage by a ship of war. 448
- January 31. Memorandum by Davidson to the same. Of the state of the proceedings at Quebec against Caldwell, Receiver General, to the early part of December, 1825. 131
- February 4, Bath. Bishop (Anglican) of Quebec to Bathurst. Submits statement with regard to the salary of the Secretary for the Royal Institution for the advancement of learning. Dr. Mills was appointed at a salary of £100 a year, but the corporation is unable to pay this. The proper fund for the expenditure on education is the revenue from the Jesuit Estates but Dalhousie objects to payments as those already imposed exceed the revenues. The sum of £200 annually is taken from the Jesuit Estates; hopes that a different arrangement may be made so that the salary for Mills might be provided for. 449
- February 4, Bath. The same to Wilmot Horton. Forwards letters respecting the salary to the Secretary for the Royal institution, to be presented to Bathurst. 453
- February 7, Bath. The same to Baillie. Asks him to furnish a poor man named Hunter with information how he can obtain assistance to enable him to get to Quebec. 454
- February 10, Balliville. Garrey to Wilmot Horton. His disappointment at there being no help for him in respect to his brother's estate. 275
- February 14, London. Butterworth to the same. Has defrayed the expenses of the four Indians for upwards of twelve months. Asks for a settlement. 6
- February 18, London. Young to Wortley. Respecting the difficulties of Amyot obtaining a retiring pension. From what source the Crown revenues are derived. 612
- February 18, Poynter to Wilmot Horton. Asks for the names of the two clergymen who were to be proposed for coadjutor to Bishop Panet, along with the one elected to that office. 431
- February 20, London. McKay to Bathurst. States his services during the war at Mackinac, the capture of Fort Shelby, the name changed to Fort Mackay; his services elsewhere, his appointment to be superintendent of the Western Indians, and prays that his salary, which was reduced by one half, may be restored to the full amount. Encloses letter from Baynes, Adjutant General. 394
- Enclosed. Baynes to Lethbridge. In recognition of his zeal, the commander of the forces grants to McKay leave of absence, so that he may join such division of the army as he may select. 401

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1826.
February 25,
London.
March 1,
London.
March 3,
Spring
Gardens.
March 10,
London.
March 10,
Ryegate.
March 14,
Leith.
March 20,
Quebec.
March 20,
London.
March 20,
London.
March 21,
London.
March 23,
Tarbert.
March 23,
Glasgow Caol.
- Warrant appointing McKay to be superintendent of the Western Indians. Page 402
McKay to Bathurst. His object is to get full pay according to his appointment. The misunderstanding between Drummmond and Gore has cost him half his salary. His desire that the Michigan fencibles should be rewarded in the same way as the voltigeurs. 403
Bishop (Anglican) of Quebec to Wilmot Horton. Urges that the patent for Archdeacons for Upper Canada be prepared in as short time as possible. 408
Gordon to the same. Has as yet had no answer to the demand for Dalhousie's passage to Canada. 456
Bishop (Anglican) of Quebec to the same. Presumes he will be made a member of the Executive and Legislative Council as his predecessor was. Asks that the question be laid before Bathurst. 277
Carmichael Smyth to the same. Rouse's Point is decidedly British, but is of no value to Britain, although in the hands of Americans it would be impossible to navigate Lake Champlain. It is the opinion in Canada that the cession is both impolitic and inconvenient. How an amicable arrangement could be reached. The mistake of the Americans as to Rouse's Point, it might be made neutral ground in return for making Barnhart's Island also neutral. The inconvenience that must be felt by the frontiers of Lower Canada and New Brunswick, being left much longer undefined. The importance attached by the Duke of Wellington to the Rideau navigation. Hopes that money enough will be granted to carry on the work expeditiously. The Grenville Canal will be finished in 1827 ; those required at the Carillon rapids, the Chute à Blondeau and at St. Anne's will probably be finished in 1830. There is no reason why the Rideau Canal should not be finished at the same time. By 1831, the back water navigation between Montreal and Kingston may be in a serviceable state. If the fortifications are carried on with the same spirit, British North America will be in a different position from what it was some years ago. 532
Gillon & Rule to Bathurst. Are the imperial weights and measures to be used in the Canadas ? 278
George to Wilmot Horton. Had addressed a letter to Bathurst on the 31st December, but it was not then sent. Forwarded a duplicate which he hopes was received. Experiments conducted with wooden rails showed their efficiency and the expense was such that a reasonable toll would in many places repay it in one year, besides the advantage of having produce carried to market. The difficulty of getting the legislatures of the Provinces to take the matter up. Forwards papers relating to the subject. 279
Enclosed. Memorandum to the public on the subject of the letter and other documents. 281 to 309
Bishop (Anglican) of Quebec to Wilmot Horton. Asks that application be made to Dalhousie for the payment of his (the Bishop's) salary and allowance for six months. 458
Same to the same. Asks that Dalhousie be directed to increase the Archdeacon's salary to £500. Proposes to leave London at the beginning of next week. 459
Polignac (in French) to Bathurst. Applies to have searches made regarding the succession of Jean Francois Bonnet, reported to have died in the British colonies or in the United States of America. 433
Petition of E. Lynch for help to obtain the product of a legacy left by his uncle in Georgia. 384
Walter Clerk to ——— Has been sent to prison for a debt of £5. On his way to the Highlands to obtain emigrants was impressed and kept on an island for three months to the defeat of his plans. Applies for redress. 118

1826.
March 28,
Kimberly.

March 31,
Liverpool.

April 5,
Reigate.

April 10,
London.

April 13,
Dockway
Square.

April 15,
London.

April 15,
London.

April 17,
London.

April 24,

April 27,
London.

April 28,
London.

April 30,
Quebec.

April 30,
Quebec.

May 6,
London.

May 10,
London.

May 10,
London.

May 10,
London.

May 11,
London.

Woodhouse to Bathurst. Sends thanks on behalf of Mrs. Mountain for His Lordship's kindness. Page 601

Bishop (Anglican) of Quebec to the same. His Lordship had promised to present him to the King, but as His Majesty did not think it advisable that he (the Bishop) should be longer delayed, he asks that regrets should be presented to His Majesty that he was unable to express gratitude for the dignity conferred on him. 460

Greve to Bathurst. Has received answer that His Lordship will not interfere in respect to his claim for lands taken for a canal, he having power to appeal to a jury. Has no precedent, for since the house of Hanover's accession to the throne there has been no case of the property of a subject being seized. By the Act of 14 George III, matters relative to property and civil rights are settled by the laws of the Canadas. Cannot obtain the verdict of a jury in a province where that is forbidden by a British statute. Is desirous to leave his cause to a jury or to other competent men. 310

Davidson to Wilmot Horton. The Crown has determined on selling timber; seizures made by Upper Canada on the Ottawa. Proposed arrangements and calculation of the expected revenue. 140

Cockerell and Finlay to Bathurst. Forward a petition relative to the desertion of seamen. A bill is to be presented regulating the conduct of seamen and masters for which his support is asked. 120

N. F. Uniacke to Wilmot Horton. His reasons for asking for an extension of leave of absence are ill-health and his desire to accompany his father on the voyage. 587

Felton to Bathurst. Had obtained a grant of 10,000 acres to be cultivated and improved. His exertions; his losses by fire. Asks for an extension of the grant so far as his services may warrant. 226

Fisher to the same. His difficulties arising from the want of confidence in the stability of Canadian houses. His desire to return to Quebec where he is King's printer, editor and proprietor of the *Official Gazette*, and Dalhousie's attention had been directed to him as the founder in New York of the "Albion," a loyal English paper. 178

Thomas Smith to—— Asks that Dalhousie be written to, so that William Sewell may have leave of absence for as long as is consistent with his duties. 539

Petition for relief of David Daffin, tidewater, late of Quebec. 143

Butterworth to Wilmot Horton. Acknowledges receipt of letter that the Treasury has authorized the payment to him of £548 2s. 8d. on account of the expenses for the Indians. 7

Aristides to Bathurst. The loss of the revenue from the number of letters carried by the steamers. 1

Attrill to the same. Sends his name as guarantee for the truth of the statement in the anonymous letter. Has commanded the steamer for two seasons, so that he is certain of the facts. 3

Felton to the same. Thanks for additional grant. Asks that the leases of Crown reserves he holds may be accepted in surrender and regranted in free and common soccage. 228

Notes that Felton's requests are to be complied with. 229 to 231

Davidson to Wilmot Horton. Forwards letters, which he would have delivered personally but that he was confined to his room. 149

The same to the same. In consequence of Stuart declaring in the Assembly that the province must bear Caldwell's deficiency, a modification is required in Bathurst's dispatch on the subject. 144

Same to the same. How the right of the Crown to distribute its own revenues in Canada could be regulated. 146

Vaughan to—— To forward letters enclosed. 600

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Page 601
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1826.
May 16,
Charing Cross
Brereton to Bathurst. Transmits memorial, certificates, &c., in sup-
port of his application for a pension for a severe wound received on
25th July, 1814. Page 9
Enclosed. Memorial of Brereton, describes his wound at Lundy's Lane,
and his unavailing efforts to obtain a pension. 10
May 16,
Davenport. Buller to Bathurst. Requests that he may have a passage to return
to Canada. 8
May 16,
Quebec. George to Wilmot Horton. Again calls attention to the importance
of improving the St. Lawrence. His knowledge of its importance from
his experience acquired by frequently passing up and down from 1802
to the present time. Passage of a steam vessel last week from Lake St.
Francis to Montreal through the worst rapid on the river. 312
Enclosed. Remarks on internal navigation, written by James George
and published in the *Quebec Mercury*. 314
Further on the improvement of the navigation of the St. Lawrence
addressed to Sir Francis N. Burton by George. 323
Other documents on the same subject. 328, 333
May 19,
London. Harvey to Bathurst. The hardship caused by the want of official
residences. His purchase of Marchmont, the sale to the Lord Bishop
of Quebec of the property for a see house not confirmed, has caused
him great embarrassment. 355
May 25,
London. Plan of Marchmont. 367a
Wilson to Wilmot Horton. Transmits copy of a letter which he
wrote Peel. Shall say nothing of what led to his (Wilmot Horton's)
displeasure. The causes were beyond his control. Hopes will to be
favoured with his support in regard to the measure suggested for
employing convicts. 602
Letters to Peel are in volume Q. 177.
May 25,
London. Poynter to Bathurst. Reports receipt of a letter from Bishop Panet,
who is anxious to know if his appointment to be Bishop has been
recognized by government, and if he is to receive £1,000 a year the
same as his predecessor. 437
May 25,
London. The same to Wilmot Horton. Thanks for the favourable answer to the
request that Dr. MacEchren be appointed Bishop in ordinary for New
Brunswick. The advantages of this are spiritual only and do not affect
the relations to government. Applies to have similar action taken in
respect to the Bishop of Montreal, so that he would no longer be subject
to the Bishop of Quebec. 434
May 28,
London. Thomas Smith to ——. Apparently the letter to Dalhousie respect-
ing William Sewell's leave of absence had not reached. Asks that a
letter be written by the first packet, the object of Sewell's visit being to
marry his (Smith's) daughter. 540
May 30,
London. Harvey to Bathurst. His agent in Canada proposes to lay out his
property near Quebec into building lots, but as he has always considered
it important for the defence of Quebec, is induced first to offer it to
government. Its situation and advantages for defence. The ground
could not with safety be left in the hands of an enemy. 368
June 5,
London. Bennett to Bathurst. Complains that Todd, left executor has defrauded
him of the benefits of property left by John Dennis, of the British
American settlements, and prays for His Lordship's interference. 21
June 6,
Quebec. Ryland to Bathurst. Declares his respect for Dalhousie, explains the
reason of his warmth of expressions in addressing him, and complains
that his office of Treasurer for the Jesuit estates had been transferred
to another, which he considers, stamps him (Ryland) with disgrace. 477
P.S. Refers Bathurst to Sir Francis Burton and Lieutenant Governor
Ready, who were both on the commission of the Jesuit estates, for
information respecting the duties of the Board and his in particular. 481

1826

- Enclosed.* Ryland to Dalhousie, 12th May. Respecting his supercession in the office of treasurer for the Jesuit estates, with reasons for not supposing His Lordship had that in contemplation. Page 482
- Further correspondence, memorial and accounts in reference to Ryland's supercession. 491 to 528
- June 6, Battersea. Fitzgerald to ———. Desires to know the allowance paid to Capt. Wylie for negroes and from what source, as he has a similar claim before the Treasury. 184
- June 7, London. Poynter to Bathurst. The part of the Upper province included in the new diocese of Kingston is exempted from the ecclesiastical jurisdiction of the Bishop of Quebec, but ecclesiastical jurisdiction is still retained over the other parts until they are created into ordinary dioceses. 438
- June 8. ——— to the same. Presses for an answer to a petition from Mary Bryning for a passage to her father in America. 23
- June 9, London. Seguier to Wilmot Horton (in French). Asks that inquiry be made respecting M. Goudart, who died in 1804 in Canada, and was reputed to have left a rich succession. 541
- Enclosed.* Extract from the register of the birth of Goudart at Arles in France. 542
- June 10, Three Rivers. Moses Hart to Bathurst. His qualifications to give information on the state of affairs in the province, being the oldest English Canadian and the richest man in the district. Complaints of the abuses existing respecting education, civil procedure, want of security in possession of lands and the plurality of offices on men often destitute of talent. The inefficacy of the Council and Assembly which can only be remedied by the Union of Upper and Lower Canada. The evils arising from the establishment of foreign laws. Many in the parishes in favour of the union and many have repented of signing against it. 371
- June 12, Kilkenny. Petition of Robert Nesbitt for justice on the persons who murdered and robbed his son on board the ship "Sir James Kempf" on his way to Canada. 427
- June 17, Ryegate. Carmichael Smyth to Wilmot Horton. Recommends the acceptance of Sir John Harvey's offer of Marchmont as being advantageous to the Crown. Even if it had not been so, Harvey's great services would have entitled him to great consideration, but seeing the advantage that would be gained, he strongly urges the acquisition of the property. 543
- June 23, Quebec. Bishop (Anglican) of Quebec to Bathurst. Sends copies of documents relating to a chapel of ease erected by the Chief Justice. Nature of the document explained. 461
- Enclosed.* Sewell to the Anglican Bishop of Quebec, May, 1824. Proposal to build a chapel in Quebec with the conditions. 463
- Lord Dalhousie's memorandum on the conditions. 466
- Bishop (Anglican) of Quebec to Dalhousie. Proposes an arrangement as to the salary to be allowed to the minister of the Chapel of the Holy Trinity at Quebec. 468
- June 24, Quebec. Memorial of the Royal Institution, for the advancement of learning, stating their position with respect to the suit against Des Rivières and praying that on the security proposed, government would lend £10,000 to be applied to the erection of a college, on the Burnside estate. 474
- June 29, Ryde. Harvey to Wilmot Horton. Shall be anxious till he hears the Duke of Wellington's decision. Does not think he would decide against the purchase, till he heard his (Harvey's) reasons. 375
- July 3, London. Monk to Wilmot Horton. Ill-health has prevented him from seeking an interview in regard to an increase to his pension, now recommended to the legislature of Lower Canada; his confidence in the justice of government to overcome the sinister policy of subordinate powers. 404

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1826.
July 9,
Dublin. Marsh to Bathurst. States his length of service and applies for a letter to the Governor of Canada; that he may be put in possession of land granted to him in Canada. Page 406
- July 11,
Lambeth. Dougan to Bathurst. Had received in 1818, a grant of land in Canada, but had to join his regiment to proceed to India. Is now ready to go to Canada, and asks for the necessary authority to take up the land. 151
- July 15,
London. Monk to Wilmot Horton. On account of his health, he must go to Cheltenham, but cannot leave till he has had an interview, which alone delays his departure. 407
- July 19,
London. Young to Wilmot Horton. Desires to remove the misapprehensions that appear to exist respecting his appointment to the secretaryship of Canada. 610
- July 19,
London. Abbé Roux to Bathurst (in French). Asks when he can have an interview. 529
- July 20,
London. Monk to Wilmot Horton. Submits notes on the subject of increase to his pension. So far as respects revenue and expenditure, these are taken from public documents, which must be in the government or in the Treasury. 408
- July 21,
Camdentown. Enclosed. Notes referred to. 410
- July 21,
Quebec. Memorial of the three daughters of the late captain James Shanks, stating their unfortunate position and applying for relief. 548
- Enclosed. Bishop (Anglican) of Quebec to Bathurst. Transmits representation from the Rev. John Bethune, rector of Montreal, and explains the nature and ground of his claim. 470
- Enclosed. Petition from John Bethune, stating the inadequacy of the salary and praying that the rectory at Montreal, be endowed with a salary equal to that of Quebec. 472
- July 21,
London. Memorial of James Stack, asking that inquiry may be made, whether his brother William Stack be alive or dead, and if alive, his present residence, that he may receive his share of a legacy. 547
- July 22,
London. Roux to Wilmot Horton (in French). Recalls the application from the Seminary, for liberty to obtain four priests from France and asks that the present letter be laid before Bathurst. 530
- August 4,
London. N. F. Unicke to Bathurst. Shall return to Canada, as notified by the Colonial Department; desires an audience before he sails. Explains his position as attorney general of which the government emoluments were £3,000 a year, and he had formed a residence at Quebec. Is now called on to remove to Montreal as a puisne judge at £900 a year. The bad impression on his character left by this change. 588
- August 4,
London. Poynter to Wilmot Horton. Has received another letter from Bishop Panet respecting the acknowledgment of his appointment as Bishop of Quebec and the allowance of £1,000 a year. As Bathurst may already have written on the subject to Dalhousie, apologises for the intrusion. 440
- August 4,
London. The same to the same. Apologises for sending this by post. An accident has prevented him from calling. Is leaving town for a few days. 442
- August 5,
London. Thomas Smith to——. Chief Justice Sewell has arrived and reports that his son is anxious to know if Dalhousie was written to about his leave of absence. 551
- August 5,
Cheltenham. Monk to Wilmot Horton. Acknowledges the receipt of letter; his gratification at its contents. 416
- August 6,
Wortley Hall. Wharnccliffe to the same. Dalhousie's objection is not so much to the appointment of Young as to the non-appointment of Montizambert, who had acted for some years as deputy to Amyot. The ruin to Young if he does not receive the appointment, whereas Montizambert may be considered wealthy. 605

1826.
August 9,
London.

Fisher to Bathurst. Applies again for an advance so that he may be enabled to sail for Canada. Cause of the delay and of the insufficiency of the last advance. Page 185

August 11,
London.

Sewell to Wilmot Horton. In compliance with note he will go down to Cirencester on the 20th, in company with Felton. 552

August 14,
Aberdeen.

Ferguson to Bathurst. Applies for leave to take to Canada a few manufacturing utensils. 189

August 14,
London.

Poynter to Wilmot Horton. On the subject of the official recognition of the appointment of Panet as Bishop of Quebec, substantially as in letter of 4th August, page 440. 445

August 19,
Thoresby
Park.

Manvers to the same. Lieut. Col. Kemble has determined to settle in Lower Canada. Recommends him for a seat in the Legislative Council. 417

August 20,
Ryegate.

Carmichael Smyth to the same. Reports that convicts might be employed with advantage in the construction of the proposed canals and fortifications. How they were previously employed under charge of the Ordnance, who had the power to grant extra rations besides rewards for good conduct. The regulations were drawn up by the uncle of the late Duke of Richmond, then Master General of the Ordnance. Questions answered in detail. 553

August 20,
Hackwood
Park.

Lady Bolton to —. Sends letter from Miss Ryland; she has put a pen through the parts that do not relate to the question to be considered. 24

Enclosed. Miss Ryland to Lady Bolton. Personal news. The only cause that can be imagined for the hostility of Dalhousie towards Ryland, is that Ryland helped Burton as he helped Dalhousie, and that the latter is angry that Burton reconciled the two Houses of the Legislature which he (Dalhousie) could not do. Complaints against Dalhousie for his conduct towards Ryland. 25

August 21,
London.

Sir John Gore to Wilmot Horton. For information respecting a recommendation to pay allowance from the Colonial duties to the Collector and Comptroller of Customs at Quebec. 334

August 24,
London.

Forbes to the same. Transmits his written ideas on the financial affairs of the Colonies, which he has communicated to gentlemen in Canada in whose judgment reliance can be placed. 190

Enclosed. Remarks on coinage and on the methods of banking now in use in Canada. 192

Prospectus for establishing an Anglo-American sterling bank to embrace the interests of Upper and Lower Canada, Nova Scotia and dependencies and New Brunswick. 203

August 25,
London.

Harvey to Wilmot Horton. Had called and was sorry to hear of his indisposition. His obligation regarding arrears of half pay. 376

August 25,
London.

Fisher to Bathurst. Applies again for an advance to enable him to take passage in the "Ottawa" to Quebec. 208

August 26,
London.

Sewell to Wilmot Horton. Forwards memorial from the Royal Institution for the advancement of learning, soliciting aid for carrying into effect so much of the will of McGill as respects the erection of a building in Montreal to be used as a college. 558

August 26,
Aberdeen.

Ferguson to the same. His application must have been misunderstood. On applying to the custom house he was refused permission to ship the manufacturing utensils without an order from the Colonial office for which he now applies. 210

August 27,
London.

Harvey to the same. Has a distinct remembrance that the letter to Sir Herbert Taylor respecting his leave of absence was not to be an encouragement to form expectations beyond those held out by Bathurst. His obligation for his (Wilmot Horton's) having written to Sir Herbert. Shall return to Canada with an increased hope that

1826.

- his absence will not affect his prospects of civil employment in the colonies. Page 377
- August 20, Cheltenham. Monk to Wilmot Horton. Presses again for a settlement of his claim for additional pension. 418
- August —, London. Wharncliffe to the same. Dalhousie being opposed to Young's appointment, Young is anxious for an interview. 604
- September 3, London. Barrowcliff to the same. Has bought 1,000 acres in Chippewa territory from Mrs. Ferguson. Had applied to the consulate office for attestation and was advised to apply to him (Wilmot Horton). Was the deed to John Carver in 1767 confirmed? Cannot forward any deed except one from Samuel Peters LL.D., and cannot obtain a copy of the one to Carver. Hears that government has land to dispose of in South America; hopes he is worthy of notice. 34
- Enclosed. Deed for 1,000 acres from Samuel Peters to Mrs. Maria Blake Ferguson. 36
- September 13, Brighton. Harvey to Wilmot Horton. Official letter of thanks for extension of his leave of absence. 379
- September 14, Tunbridge Wells. Dawson to Wilmot Horton. Urges the appointment of Herbert Cornwall to the Legislative Council of Lower Canada. 380
- September 14, Bath. Lady Bolton to——. Thanks for kindness about Mrs. Ryland's letter. 153
- September 17, London. Wilmot Horton to Dawson. Bathurst never appoints to the Executive or Legislative Council, except on the recommendation of the governor. 38
- September 18, Bellaghey. Further petition of David Duffin for relief. 154
- September 19, Worthing. Crofton Uniacke to Wilmot Horton. Sends letter and memorial from his brother Norman F. Uniacke and represents his case. 155
- Enclosed. Note from Norman Uniacke that he sends his memorial. 590
- Memorial to Bathurst by Uniacke in which he states his case. 596
- September 19, London. Petition of Stephen Nulty. States his services; his illness has exhausted his means which prevent him returning to Canada and prays to be sent there. 597
- September 19, Stamford. W. D. Ryland to Bathurst. Reports that he has copies of three papers which should have accompanied his father's memorial; offers to send them if Bathurst so desires. 430
- September 27, London. Murray to Wilmot Horton. Sends the address of W. D. Powell. 431
- October 1, Guernsey. Evans to the same. Remarks on the fisheries and the use of them by the United States and France. The method of settling the country, union of the provinces, &c. 160
- October 4, London. Sewell to the same. Points out the dangerous consequences that would result from allowing the nuns of the Hotel Dieu to hold in mortmain the large quantity of land they would acquire with the capital amount they propose to secure as an annuity, namely £3,000. 559
- October 5, London. Same to the same. Discusses the question raised by Roux in his application for the admission of the six priests from France and points out the consequence of granting his request on behalf of the Seminary, which, according to the memorial, cannot exist without a supply of priests from France. 562
- October 5, Reigate. Greece to Bathurst. Repeats his request for compensation for his lands taken for a canal. 335
- October 12, London. Sewell to Wilmot Horton. In reference to the defalcation of Caldwell, Receiver General, gives the reasons stated by the Assembly of Lower Canada in support of their contention that the Imperial Treasury

- 1826.
- October 14, London. is responsible for the deficiency. He (Sewell) without considering whether the Assembly's position be or be not a claim of right, believes it to be a forcible appeal in equity and it would be impolitic to reject it altogether. Page 565
- October 16, Clonmell. Smith to Wilmot Horton. Returns Dalhousie's letter with thanks for the interest taken in obtaining Sewell's leave of absence. 570
- October 19, Waltham. Mary Sweeny to Bathurst. Respecting property left by the deceased Edmond Farrell. 211
- October 19, Enfield. Goodall to Wilmot Horton (?) Respecting pension to Forbes, ex-lt. governor of Gaspé and reminds him of the promise held out to Forbes at the time of his appointment. 336
- October 19, Enfield. Forbes to——. Representation against the diminution of his pension. 212
- Minutes of correspondence relative to a retired pension to Mr. Alexander Forbes, late lieut. governor of Gaspé. 215
- October 25. Greig to Bathurst. Should he be appointed chaplain, school-master, or other suitable position in Canada, would he be granted a free passage and land as is usual? His qualifications; thinks he might establish a newspaper in Canada. Would guarantee repayment of the expense for his passage. 340
- October 25, Downing Street. Felton to Wilmot Horton. Chief Justice Sewell will not return in time to be chairman of the Legislative Council. He, Felton, will undertake the duty. Judge Perrault cannot possibly attend. 246
- October 26, General Post Office. Freeling to the same. The postmaster general desires to know the time to which the stay of the packet at Halifax should be limited when the alteration takes place in the route of the North American packet. At present Quebec, New Brunswick and Nova Scotia have time to answer by return, there being a delay of thirty days. Under the new arrangement it would not be possible for Quebec to answer by return, as the mail takes 14 days to reach Quebec from Halifax. 248
- Memorandum on the letter from the post office respecting the Halifax mail. 247
- November 10, London. Sewell to Wilmot Horton. How it was proposed to build a chapel in Quebec for the use of the Church of England and how the proposal was carried out. Sends documents respecting it. 571
- (The enclosures not copied are duplicates of letters from the Bishop of Quebec and its three enclosures beginning at page 461 of this volume.)
- November 13, Eton. Goodall to Wilmot Horton (?) Further respecting pension to ex-lieut. gov. Forbes. 342
- November 20, Enfield. Forbes to Wilmot Horton. Regrets to hear that some expressions in his letter of 20th (19th) October, were disapproved of. Nothing was further from his thoughts than to have been failing in respect. 218
- November 22, Paris. Prince de Broglie to the same (in French). Transmits memoir, with analytical notice, on lands in America, the purchase of which might suit the British Government. 42
- Enclosed. Analytical notice. 43
- Memoire. 48
- Reclamations et démarches de M..... 64 to 115
- November 24, Liverpool. Davidson to Wilmot Horton. Has received dispatches for Dalhousie; will sail to-morrow should the wind permit 157
- This was accompanied by a private note of same date. 158
- November 25, London. Harvey to Wilmot Horton. Is in town for a week and would like to see him before his return to Brighton 381
- November 29, London. Shaw to Colonial Secretary. Bought from the heirs of Francis Legge a tract of land on Lake Champlain, granted by patent from George III. A claimant has appeared for the heirs of another Francis Legge. Were grants made to two persons of the same name? 579

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1826.
November 30, James Buchanan to Wilmot Horton. Offers to take charge of the
New York. mails for Canada at a less cost than by the present system. Page 116
- December 6, Harvey to Baillie. Applies for information as to the decision of the
Brighton. Duke of Wellington respecting his (Harvey's) property near Quebec
offered for sale to government. 382
- December 11, Memorial of J. W. Grece for a settlement of his claim for land taken
Reigate. towards constructing a canal 347
- December 16, Seguier to Wilmot Horton. For information respecting a considerable
estate said to have been left by one Charles in Canada. 580
- December 19, Sowell to the same. Applies for an extension of his leave of
London. absence. 582
- December 20, Greenwood, Cox & Co. to the same. Transmits application from Major
London. Robinson for copy or order respecting the rate of pension to be allowed
to officers serving with the militia during the late American war, as he
intends to make a claim for an increase to his pension on account of the
severity of the wounds he received at Niagara, in July, 1814. 352
- Enclosed. Robinson to Bathurst. Asks for copy or order respecting
pensions to officers serving with the militia, as he intends to apply in
consequence of wounds received in the spring of 1813. 353
- (The dates of 1814 and 1813 are given as in the originals).
- December 25, Dean to——. Asks for a letter of introduction to Lord Dalhousie, in
King's Road. favour of his son, who goes to Canada to join his regiment. 159
- December 26, Whyte to Wilmot Horton. Respecting claim to lands in West Florida,
Montrose. purchased by his brother. 607
- No date. Smith to——. Asks for an interview. 586
- Same to Wilmot Horton. Thanks for his note. Any day will suit for
an interview. 585
- The same to——. For extension of leave of absence; desires to con-
tinue as a commissioner for the Jesuit estates at a salary of £150,
payable out of the funds of that estate, as he is the only commissioner
who has retired without compensation. 583
- Petition of Patrick McGregor representing James Glenn, deceased,
for payment of claims against government for losses sustained during
the revolutionary war, and for the price of timber taken by govern-
ment. 420
- Harvey to Baillie. Asks that letters may be put in the two penny
post. 383
- Felton to——. Sends full detail of the circumstances attending the
communication by letter between Great Britain and Lower Canada. 240 to 245
- The same to Wilmot Horton. Had explained to Hill the peculiar cir-
cumstances of the government of Lower Canada, the financial embarrass-
ment, and the necessity of authority from the Treasury for the expendi-
ture of a certain branch of the permanent revenue to obviate the cavils
of the Assembly. Hill said every attention would be paid to Bathurst's
representations. The general principle of this interference is not yet
understood between him (Wilmot Horton) and Hill. The question will
arise as to the class of payments that require to be authorized by the
Treasury. 237
- The same to the same. Lower Canada derives no benefit from the
services of the British packet, but Nova Scotia and New Brunswick do. 239
- The same to Bathurst. Note of the amount unprovided on account
of the legislature of Lower Canada. 232
- Claims of Lower Canada against the Imperial Treasury. 233
- Davidson to Wilmot Horton. Has some late intelligence from Quebec
which he should be glad to communicate. 150

1826.
No date. Congreve to —. Mr. Beaubien a native of Canada, desires to be employed there. Applies for a letter of introduction for Mr. Beaubien to Lord Dalhousie. Page 121
- A. C. Buchanan to Wilmot Horton. Is leaving town for Bath. 117
- Memorandum of a proposed sale of 16,000 acres from a Mr. N— (sic) who purchased from the Six Nations, who held lands within the jurisdiction of New York. 39
1827.
June 1, London. Memorandum of the claim of Lower Canada to the net produce of the post office revenue levied in the province. 234
- December 14, Cochran to Wilmot Horton. Has received answer; thinks that there is some misunderstanding. He is ready to pay his own passage if he should have the same privilege on arrival as is given to soldiers discharged in Canada. An explicit answer is all he requires. 122
- December 29, Clarke to Stanley. Respecting lands acquired by his father in New York, when a province, some of which have been transferred to what is now the State of Vermont. Asks for an interview. 123
- London. Memoir on the financial difficulty of Lower Canada with tables. 250

GOV. LORD DALHOUSIE, 1827.

Q. 179-1-2.

1825.
July 25. General Order of the Board of Ordnance. Enclosed in Dalhousie to Bathurst, 26th May.
1826.
October 15, Three Rivers. Memorial by James H. Kerr. Enclosed in Dalhousie to Bathurst, 3rd January, 1827.
- October 25, Montreal. Memorial of D. C. Napier. Enclosed in Dalhousie to Bathurst, 20th January, 1827.
- October 27, Quebec. Advertisement for a vessel. Enclosed in Dalhousie to Bathurst, 14th May, 1827.
- November 6, Lake of Two Mountains. Memorial of Amable Chevalier. Enclosed in Dalhousie to Bathurst, 10th February, 1827.
- November 8, Quebec. Tenders for a vessel of 200 tons. Enclosed in Dalhousie to Bathurst, 14th May, 1827.
- November 18, Montreal. Sir John Johnson to Darling. Enclosed in Dalhousie to Bathurst, 10th February, 1827.
1827.
January 3, Quebec. Dalhousie to Bathurst (No. 1). Has received dispatches by the hand of Felton and shall attend to instructions. 1
- January 3, Quebec. The same to the same (No. 2). Transmits memorial from Kerr, waiter and searcher at Three Rivers, whose petition he recommends. 2
- Enclosed. Memorial of Kerr for a situation in the customs at Quebec, should the position at Three Rivers be abolished. 3
- January 8, Quebec. Dalhousie to Bathurst (No. 3). The merchants of Quebec and Montreal having expressed the desire that Felton shall have leave of absence to go to London as a commercial agent to press objects of importance, he has given the leave asked for. Felton carries this dispatch. Recommends the various measures committed to his agency. 5
- January 8, Quebec. The same to the same (No. 4). Can obtain no definite information respecting the privileges of American fishermen on the coast and in the St. Lawrence. Complaints made by the fisheries along the shores of Gaspé and Bay of Chaleurs that for ten years they have been overpowered

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January 31,
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February 10,
Quebec.

February 21,
Quebec.

by American fishery vessels, an average of 1,500 sail pass at Canoe into the St. Lawrence and spread all along the coast. Submits the case that proper instructions may be issued to the superintendent and his subordinates for the protection of this important industry. Page 6
(For answer see letter from Goderich to Dalhousie, dated 6th June, 1827.)

Dalhousie to Wilmot Horton. Has received private letter with copy of the opinion of the law officers respecting the appointment of a Roman Catholic Bishop. Suggests that there be sent to him an official approval of Panet to be Bishop or superintendent of the Roman Catholic Church in Canada and of the Rev. M. Signay to be coadjutor. 11

The same to the same. Explains the reason for Felton's immediate return. The general distress of the mercantile body increased by the doubts on points of the new system established by the trade Acts. As the explanations could only be given effectually by an intelligent agent, Felton has been allowed to go to act for all parties. Calls attention to some points, especially those relating to the admission of wheat and flour. 12

Bowen to Cochran. Enclosed in Dalhousie to Bathurst, 20th April, 1827.

Memorial of John McLaurin. Enclosed in Dalhousie to Bathurst, 21st February.

Dalhousie to Bathurst (No. 5). Transmits memorial from Napier for the issue of a sum equal to his half pay which has been discontinued. Strongly recommends the payment. 16

Enclosed. Memorial. 18

Proposed establishment of the Indian department for 1788. 21

Dalhousie to Bathurst (No. 6). Had recommended the discontinuance of the blacksmith on the staff of the Indian department and that the repair of arms be done by the job. After a trial of four years recommends the reappointment of the blacksmith with the same pay and allowance as formerly. 23

Speech at the opening of the session. Enclosed in Dalhousie to Wilmot Horton, 25th January.

Dalhousie to Wilmot Horton. Has been guided by desire to obey instructions as to the conduct of this session and sends copy of his speech. Whilst studying to avoid irritation is convinced that the same violent temper will be persevered in as formerly. 24

Enclosed. Speech at the opening of the session. 25

Message from Dalhousie to the Assembly. Enclosed in Dalhousie to Bathurst, 8th March.

Message respecting Burton. Enclosed in Dalhousie to Bathurst, 21st April.

Dalhousie to Bathurst (No. 7). Transmits copy of letter from the superintendent of Indian Affairs and of memorial from Indian chief, Amable Chevalier, whose services have been of the most distinguished nature. His old age and destitution since the death of his only son. Has, in consequence of his services and necessities, given him one hundred dollars a year for the few years he has to live, the sum awarded to Indian chiefs, who were severely wounded. 29

Enclosed. Sir John Johnson to Darling. Strongly recommends the case of Amable Chevalier for favourable consideration by the commander of the forces. 31

Petition (in French) of Amable Chevalier for relief. 33

Dalhousie to Bathurst (No. 8). His reason for transmitting a further memorial from the Scotch Kirk. Urges the advantage of the presence of a Presbyterian Minister in the populous district of Glengarry occupied by Scotch settlers. 38

1827.

Enclosed. Memorial of the Reverend John McLaurin, minister of the township of Lochiel, for the payment of a salary of £100 a year promised him. Page 40

February 21,
Quebec.

Dalhousie to Bathurst (No. 9). Transmits memorial to the Ambassador of France in London from Captain LeLièvre, who brought the French frigate "La Perle" to Portsmouth, adhering to his allegiance to the French monarchy. His services; his poverty; solicits payment of claims on the French government; his character entitles him to the strongest recommendation. 47

February 21.
Quebec.

The same to the same (No. 10). Sends list of public dispatches addressed to the Colonial Office. 49

March 1,
Quebec.

Enclosed. List of dispatches. 50
Certificate by major Elliott of the efficiency of the provincial Dragoons.

March 1,
Quebec.

Memorial of W. Hamilton Merritt.

March 1,
Quebec.

Merritt to Darling. These three documents enclosed in Dalhousie to Bathurst, 9th March.

March 8,
Quebec.

Dalhousie to Bathurst (No. 11). Sends copy of the part of the report of the committee of Assembly relating to the financial matters of the session and of the resolutions of the House on the report. In consequence he put an end to the House; sends copy of the speech. The House of Assembly declares the resolution to grant no supply whilst a pretension is made for the appropriation of the permanent revenue. The temper of the House showed from the beginning that this was resolved on, and everything of importance was thrown aside to make way for unimportant bills. His speech may be thought too severe, but the time has come for firmness and authority. Shall send a more detailed report. Encloses report of a committee of Assembly on the message sent down conveying the substance of His Lordship's dispatch of 5th September, respecting Sir Francis Burton. 55

March 9,
Quebec.

Enclosed. Resolutions of the House of Assembly on the subject of the expenses of civil government. 58

Report of Committee on the subject. 60

Message from Dalhousie to the Assembly with substance of the dispatch respecting Sir Francis Burton. 64

Dalhousie to Bathurst (No. 12). Transmits application from Hamilton Merritt and Lieut. Ingersoll, of the late provincial Dragoons, for half pay. 65

Enclosed. Memorial for half pay by Hamilton Merritt on behalf of himself and Lieut. Chas. Ingersoll. 67

Merritt to Darling. 1st March, on the subject of halfpay. 69

Certificate by Brigade Major Elliott of the services of the provincial Light Dragoons. 71

March 10,
Montreal.

Memorial of Mrs. Livingstone. Enclosed in Dalhousie to Bathurst, 27th March.

March 27,
Quebec.

Dalhousie to Bathurst (No. 13). Transmits memorial from the widow of the late Robert Ramsay Livingston and strongly recommends her case. 72

Enclosed. Memorial of Jane McKercher, widow of Robert Ramsay Livingston; prays for a pension owing to her husband's services. 73

March 31,
Quebec.

Bishop (Anglican) of Quebec to Dalhousie. Enclosed in Dalhousie to Bathurst, 21st April, 1827.

April 9,
Quebec.

Schedule and reports on accounts. Enclosed in Dalhousie to Bathurst, 27th May.

April 16,
Quebec.

Report of Committee on question of salaries, &c., of the civil government. Enclosed in Dalhousie to Bathurst, 20th April.

1827.
April 16,
Quebec.

April 20,
Quebec.

Darling to Dalhousie. Enclosed in Dalhousie to Bathurst, 20th April.

Dalhousie to Bathurst (No. 14). Regrets the delay in appointing a successor to Claus in the Indian department. Givens cannot be placed in the situation on account of his habits. He has not been recommended either by Maitland or Sir John Johnson. Might be personally offended as this is the first instance in 50 years that the nomination of officers in the Indian department by the general officer commanding has not been sanctioned, but he is not personally offended, his recommendation of General Darling being only for the good of the service. The age and consequent incompetency of the officers superintending the Indian department. His intention to send General Darling on a tour of inspection is frustrated, as he could not send his military secretary on such a mission without rank in the Indian department. Complaints by the Indians. Proposals for improving service.

Page 76

Enclosed. Darling to Dalhousie. If it should be thought that the claims of Givens are superior to his, he is still ready to proceed to the westward in execution of the services prepared for him, the part he took in Indian affairs for the last seven years having given him much insight into relations with the Indians and with their interests generally.

81

Dalhousie to Bathurst (No. 15). Adds details of the closing of the provincial Parliament to his letter of the 7th March. The resolutions adopted this session will show how much Burton was misled as to the intentions of the House. It is now declared that no grant shall be made whilst government insists on the appropriation of any part of the annual revenue without the previous vote of the House. His attempts at conciliation not met with a reasonable feeling. Instances given of the extraordinary measures of the House, one respecting schools and the other respecting roads, showing that constitutional principles and the common usages of Parliament had been disregarded. The Executive government refused all money bills for local purposes if the aid for the service of government was refused by the Assembly; the Legislative Council did the same. Explains why he assented to the bill granting £25,000 to the Welland Canal. In consequence of the refusal of supply, he prorogued the House. The first consequence of the resolution of the Assembly is dissolution. The opportunity this will give for impressing juster views of the chief question than have hitherto been the case. Asks leave to bring before the new House the provision of the Act of 14 Geo. III., Cap. 88, by authority of which warrants will be issued for applying the territorial revenues and the £5,000 granted permanently by the provincial Act of 35 Geo. III., and that these warrants will be laid before the House if desired. Would urge the matter to an issue, believing it is the only course to make the Canadian members think individually, many respectable men being led blindfold. Proposes to pay the salaries left unprovided for by warrants to be submitted to the Assembly next session. The amount to be advanced will be less than last year. The two Houses having presented addresses for their contingencies engaged to make them good in a constitutional manner. Sends statements showing the means and expenditure estimated for 1827. There will be no need to draw from the military chest; still feels his difficult situation, but will not shrink from a straightforward discharge of its duties.

83

Enclosed. Consideration on the expediency of again proposing to the Assembly of Lower Canada to grant a civil list for the King's life or for some definite period.

93

Estimate of certain regular expenses of the civil government of Lower Canada for 1827, for which no appropriation has been made.

101

1827.

Estimate of probable expenditure for 1827 chargeable on permanent revenue. Page 103

Extract from a report of a committee of the whole Council recommending that salaries not provided for by Treasury warrants may not be paid. 105

April 20,
Quebec.

Dalhousie to Bathurst (No. 16). Transmits letter from Judge Bowen with copy of memorial respecting his salary of £200 as French translator which had been reduced to £50 in 1825. If the office is to be abolished, presumes that the proclamation, &c., will not be expected to be published in both languages. Suggests that the office be re-established and conferred on some Canadian gentleman capable of serving government through the medium of the press. He recommends Judge Bowen, but has not altered his opinion that the office should not be held by a judge. If it is abolished, Bowen is entitled to compensation. 106

Enclosed. Bowen to Cochran. Transmits duplicate of memorial sent in April last, to which no answer has been returned. Asks that the Governor General bring the subject again before Bathurst. 108

Memorial of Bowen to be continued in the office of French Secretary and Translator. 110

Extract from papers relative to the province of Quebec, showing the sum appropriated for a French Secretary. 114

April 20,
Quebec.

Dalhousie to Bathurst (No. 17). Transmits copy of letter from the Lord Bishop of Quebec, respecting the means of relieving the mother country of the expense for the salaries of clergymen. 115

Enclosed. Lord Bishop of Quebec to Dalhousie. Had already suggested the sale of part of the clergy reserve as a help towards reducing the cost of the maintenance of the clergy. Doubts, however, if the funding of the proceeds would yield a sufficient revenue. The danger of too sudden a cessation of support to the Church. The mismanagement of the reserves where under control of the legislature. 116

April 20,
Quebec.

Dalhousie to Wilmot Horton (private). Explains how the supply bill was assented to by Burton and the course followed in respect to it by the Chief Justice and other legislative Councillors. 121

April 20,
Quebec.

The same to Bathurst (No. 18). The bad state of the post road from Quebec through New Brunswick to Halifax on the 36 miles from the St. Lawrence to Lake Temiscouata. Objects to the proposal to make this a military road. Last year the sum of £500 was carefully expended on it by the Assembly, so that it was much improved, but much remains to be done. The revenue remitted by the Post Office from the province should be expended on the road, as it is used for little else than the mails. Asks that the Post Master General be asked to authorize the expenditure of a sum of £500 on this portion of the road. 119

April 21,
Quebec.

The same to Wilmot Horton. Acknowledges, the receipt of dispatches giving the dates and subjects. 128

April 21,
Quebec.

The same to Bathurst (No. 19). Transmits copy of letter from the Lord Bishop of Quebec respecting precedence in the Legislative Council and recommends that the Bishop's suggestion may be favourably considered. 129

Enclosed. Lord Bishop of Quebec to Dalhousie. Submits the expediency of precedence being given to the Bishop in the Legislative Council, next to the Chief Justice or Chairman and that the mandamus sent last year be returned to have that provision inserted. Gordon of the Colonial office, has written that if the omission is of any moment there would be no objection to cancel the original mandamus and issue a new one. 130

April 21,
Quebec.

Dalhousie to Bathurst (No. 20). Death of Judge Perrault. J. T. Taschereau appointed to succeed him. J. G. Thompson to succeed Caron, provincial judge of the inferior district of Gaspé. 132

April 21,
Quebec.

The same to the same (No. 21). Has taken a building on a short lease to accommodate certain of the departments (named). The cost

1827.

does not exceed that for other premises. Asks leave to take longer lease. Page 133

April 21,
Quebec.

Enclosed. Statement of cost referred to in preceding letter. 135

Dalhousie to Bathurst (No. 22). Has informed the legislature that Burton has been exonerated from censure for breach of instructions. How the information was communicated. Sends copy of the message. 136

April 21,
Quebec.

Enclosed. Message respecting Burton. 137

Dalhousie to Bathurst (No. 23). Recommends for appointment to the Legislative Council, John Forsyth and Jean Thomas Taschereau, lately appointed judge in room of Perrault. 138

May 10,
Quebec.

The same to the same (No. 24). The vessel hired for the service of government not having been found to answer has agreed to the building of one to be furnished on the same terms as the former. Guns wanted, but the commanding officer of artillery cannot furnish them as shown by letter, copy of which is enclosed. Asks that orders be sent to furnish the guns wanted. 139

Enclosed. Cockburn to Darling. Cannot furnish the guns asked for. There are two brigades of light six pounders of the old pattern, which would answer on board ship. 140

May 14,
Quebec.

Dalhousie to Bathurst (No. 25). Asks for two flags, one for Quebec the other for the capital of Upper Canada, to enable proper respect to be paid to His Majesty's name. 141

May 14,
Quebec.

The same to the same (No. 26). The vessel hired for the service of the fisheries is now launched. The contract has been made for five years at the annual rate of £1,520. Asks for authority to fit up a cabin for the use of passengers. The cost of this will be about £150. 142

Enclosed. Advertisement of a vessel wanted for the service of government. 143

Schedule of tenders received for the hire of a vessel of 200 tons, all of them rejected, being too high. 144

May 19,
Montreal.

Respective Officers to Darling. Enclosed in Dalhousie to Bathurst, 26th May. 145

May 21,
Quebec.

Dalhousie to Bathurst (No. 27). Transmits memorial from the widow of the late Lieut.-Colonel Claus for a pension; the long services of Claus, who had served for 47 years. 147

Enclosed. Memorial of Mrs. Claus to Dalhousie. 148

Memorial to Bathurst. 149

May 26,
Quebec.

Dalhousie to Bathurst (No. 28). Sends copy of correspondence with the Respective Officers, respecting the issue to volunteers of the means of saluting on the King's birthday and other suitable occasions. Asks that a discretionary power be given so that he may issue powder, &c., for the observance of the King's birthday and thus encourage a loyal feeling. The state of the gunpowder makes it only fit for saluting or for drill. 151

Enclosed. Respective Officers to Darling. Send a copy of instructions from the Board of Ordnance by which they cannot supply the powder asked for. Copy of instructions enclosed. 154

May 27,
Quebec.

Copy of instructions. 155

May 27,
Quebec.

Dalhousie to Bathurst (No. 29). Explains the cause of the delay in answering dispatches. 157

The same to the same (No. 30). Sends schedule of the application of the permanent revenue, divided into two columns, one for the fixed salaries, the other for contingencies; the permanent revenue is equal to the fixed demand, the deficit arises from casual expenses. The warrants from the Treasury did not provide for various sums amounting to £6,000 partly for salaries, partly for contingencies. Proposes that all salaries shall be paid, from permanent revenue, leaving the contingencies to be provided for by provincial legislature. How the contingencies should be provided for, and if not paid by the province should be kept as a

1827.

debt. Suggests a change in keeping the accounts by which they could be closed by giving authority to begin the accounts on the 1st January and close them on the 31st December. At present thousands of warrants are issued with no prospect of a close. Sends report of the Executive Council on the subject. Page 158

Enclosed. Schedule of proposed expenditure. 162

Report of committee of Council on the accounts. 166

Extract from a report of committee of Council. 168

May 27,
Quebec.

Dalhousie to Bathurst (No. 31). Transmits copy of reserved bill "for vacating the seats of members of the Assembly accepting places under government in certain cases." The bill has been repeatedly passed by the Assembly and rejected by the Council and last session only passed there by a majority of one, from the belief that it would remove the jealousy sometimes excited against candidates. 170

Enclosed. Report on the bill by the attorney general. 172

May 27,
Quebec.

Dalhousie to Bathurst (No. 32). Transmits copy of reserved bill for the erection of parishes. 175

Enclosed. Copy of bill "for ascertaining, establishing and confirming "in the legal and regular manner and for civil purposes the parochial "subdivisions of various parts of this province." 177

Report on the bill by the attorney general. 183

The Roman Catholic Bishop of Quebec to Dalhousie (in French). Approves of his recommendation to the Legislature to take the necessary measures to fix civilly the limits of the parishes established by the ecclesiastical authorities. 189

List of parishes established in Lower Canada since 1721. 190

Proceedings of the House of Assembly on the bill respecting parishes. 195

English. 203

French.

May 27,
Quebec.

Dalhousie to Bathurst (No. 33). The difficulty of obtaining the co-operation of the Roman Catholic clergy in the encouragement of education under the Royal Institution. Has communicated his (Bathurst's) objections to the formation of a separate corporation, but that he was prepared to sanction any legislative measure for the education of Roman Catholics. No measure has been brought forward but he has encouraged the proposition for introducing into the Royal Institution such a number of Roman Catholics, clergy and laity, as would enable two committees to be formed acting independently, each having the exclusive superintendence of the schools belonging to its persuasion, subject to the control of government. To carry out the proposal approved by the Lord Bishop and consented to by the Roman Catholic Bishop it is necessary to obtain the resignation of the two Protestant members from Upper Canada (Lieut. Governor Maitland and the Chief Justice) or to appoint two Roman Catholic members residing there, which latter was objectionable as increasing the ineffective members. Maitland is consulting him (Bathurst) on the subject to ascertain the object of the original appointment. 211

Enclosed. J. L. Mills, for the Royal Institution, to Cochran, respecting the proposed changes in the Royal Institution for the advancement of learning. 215

May 27,
Quebec.

Dalhousie to Bathurst (No. 34). It is desirable to give effect to the provision of the Act on Escheats, but the Judges of the inferior districts of St. Francis and Gaspé cannot accomplish the purpose in view, from their remoteness and the amount of their work. The principal business of the Court of Escheats must be done in Quebec; the duty of the commissioners will be difficult and require for years their sole attention. The confusion of the province in respect to land grants suggests the formation of a board for the resumption of lands heretofore granted, con-

May 27,
Quebec.

May 29,
Downing
Street.

May 30,
Quebec.

June 6,
Downing
Street.

June 15,
St. Regis.

June 18,
Quebec.

April 19.

July 2,
Quebec.

July 2,
Quebec.

July 2,
Quebec.

July 2,
Quebec.

July 2,
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1827.

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 Page 158
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May 27,
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April 19.

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 Quebec.

sisting of the Chief Commissioner of Escheats, the Commissioner for the sale of Crown lands and the Surveyor General. It would also be useful for establishing the boundaries which the courts are incompetent to decide without a survey invariably ordered in case of a dispute respecting lands. It might also be useful to emigrants. The officials could be paid either from the permanent revenue or from the revenue produced by sales. Proposes a new table of fees. Page 218

Dalhousie to Bathurst (No. 35). The obstinate spirit of opposition in the House of Assembly; measure to counteract its effects. The difficulty of obtaining magistrates willing to act in the province; and of that arising from the temporary nature of the Act for the nomination of commissioners for the trial of small causes. The want of some influential man in each county connected with government to be the medium of correspondence with distant parts to vindicate the character of government from the false charges of the French press. Recommends that a commission of the peace issue and that a *custos rotulorum* be appointed with whom government might correspond; recommends also that a lieutenant (lieutenant du Roi) be appointed to command the militia in each county. By these appointments government would obtain two respectable and steady supporters of the Crown. 222

Wilmot Horton to Dalhousie (private). Discusses the supply bill to which he (Dalhousie) objects and maintains that it does not bear the interpretation attached to it. In the interpretation of an Act only the letter of its provisions must be looked to. 126

Ryland to Darling. Has examined statement contained in McGregor's memorial. Sends extracts from the proceedings of council respecting claims. 227

Goderich to Dalhousie. Dispatch of 8th January, respecting the fisheries, was referred to the committee of the Privy Council. Transmits copy of letter from Lack with minute by the committee respecting the measure for the protection of the fisheries in the St. Lawrence. Further information wanted. 9

Sends copies of the Acts of Parliament and orders in council. 10
 Chesley to Napier. Enclosed in Dalhousie to Goderich, 11th July, 1827.

Dalhousie to Bathurst (No. 36). Has received memorial of Patrick McGregor respecting losses sustained during the American Revolutionary War. If the claim is entertained it would open the door to thousands of a similar nature. 226

G. A. Wood to Mondelet (extract). Enclosed in Dalhousie to Goderich, 11th July, 1827.

Dalhousie to Goderich (No. 37). Sends transcript of proceedings of Executive Council on matters of state. 229

Dalhousie to Goderich (No. 38). Sends journal of proceedings of the Legislative Council for the last session, also exemplification of Acts passed. 230

List of Acts passed last session. 231

Dalhousie to Goderich (No. 39). Sends returns of the revenue, expenditure and establishment of the province for 1823-5-6. 235

The same to the same (No. 40). Transmits memorial from the Quebec Emigrant Society. Had urged their claim on the 24th March, but had received no answer. 236

Enclosed. Memorial applying for help in order to assist necessitous emigrants. Thanks for the sum placed at their disposal in August, 1822, which with voluntary subscriptions has enabled them to relieve many hundred cases of extreme misery. 237

Dalhousie to Goderich (No. 41). Transmits address of condolence on the death of the Duke of York. 241

1827.

Enclosed. Address.

Page 242

July 2,
Quebec.

Dalhousie to Bathurst (No. 42). The collector of customs instead of keeping one-fourth of the revenue for salaries, as believed, has only retained the amount necessary. 244

July 2,
Quebec.

The same to Wilmot Horton. Is not able to fill up several of the returns called for in a satisfactory manner. No labour would be wanting could the materials be obtained on which to depend, but information cannot be got owing to the defects in the government, there being no means of obtaining local information. The Governor is placed between the injunctions from the Treasury and government on one side and the factious spirit of the provincial Legislature on the other; he has no discretionary powers, has scarcely the means to pay the usual salaries and does not incur any unusual expense. Asks that a printed copy of the report may be sent. The Surveyor General to be instructed to make a tour through the province to obtain the required local information. Applies for a reasonable allowance for his expenses. 245

(No. 43 noted as not received.)

July 10,
Quebec.

Dalhousie to Goderich (No. 44). Had authorized in 1820 the sale of small lots of land belonging to the Jesuit estates to individuals, the lots being useless to the barracks, and being a nuisance to the dwellings of those persons. The amount of these sales is shown by the annexed statement, the part already received has been placed in the military chest, but has been claimed by the commissioners for managing the affairs of the Jesuit estates. Asks leave to withdraw the sum credited to the Government to be paid over to the commissioners whose claim is indisputable. 249

Enclosed. Campbell (Notary) to Darling. Sends statement of the amount received for the lots sold in Fabrique street. 251

Statement of the amount of sales and interest. 252

July 11,
Quebec.

Dalhousie to Goderich (No. 45). Disputes at St. Regis between British and United States Indians. By the treaty of Ghent it has been decided that all St. Regis is within British territory. Recommends that the United States Indians be ordered to withdraw to put an end to disputes, and that a surveyor or commissioner from the State of New York be sent to meet the Surveyor General of Lower Canada to settle the matter. 253

Enclosed. Complaint by S. Y. Chesley on behalf of the British Indians of St. Regis of their being annoyed by the United States Indians during religious celebrations. 255

Certificate by Rev. Jos. Vallé, Missionary Priest, that the statements are correct and asks that Darling come to the village. 257

Extract from a letter from G. A. Wood to J. M. Mondelet, Montreal, calling attention to the disturbances to the religious observances of the British Indians of St. Regis. 258

July 11,
Quebec.

Dalhousie to Goderich (No. 46). Sends requisition for Indian presents. Urges that they be sent early so that the articles from the upper posts may reach. Refers to previous correspondence showing the necessity for reformation in the Indian Department. 259

July 27,
Quebec.

Dalhousie to Goderich (No. 47). Sends memorial of the Baroness de Longueuil and copy of answer to her son who presented it. The officers referred to are acting as a board under instructions from the Master General and Board of Ordnance, and as such he cannot interfere with them. The mischief caused by their attempt to claim lands as military property, in which they are likely to be defeated. The alarm it will cause to every man of property that they may be sued in the same way. Asks that His Lordship would interfere. 260

Enclosed. Memorial stating the date of the grant of the barony of Longueuil. The survey of the extent of the ground round fort Chambly determined by surveyors. Complains of the claim to an additional extent

August 2
Sorel.August 31
Quebec.August 31,
Quebec.August 31,
Quebec.1822.
September
Paspebiac.1827.
March.August 20,
Montreal.September 1
Magdalen
Islands.September 1
Quebec.

1827.

made by a board of officers on the strength of an unratified proposal by Bigot and the ruin that would be caused to the Baroness were this claim sustained.

Page 261

Dalhousie to Hon. Charles W. Grant. Memorial received, the subject of which is new to him, as it was taken up by a board of inferior officers without authority from him. He can only transmit the memorial to the Secretary of State for communication to the Master General and Board of Ordnance.

265

August 20,
Sorel.

Same to Wilmot Horton (private). Had seen that notice was taken in Parliament of troubles in the Canadas. There are none. Two newspapers, one in Quebec and one in Montreal, have endeavoured to stir up discontent by falsehoods. Parliament being dissolved and the consequent election have favoured their purpose everywhere but in the province. Those who know the real state of the province or who read both sides are aware that there is no foundation for such reports. The elections are over with a diminished number of members holding British sentiments. Everything was done with perfect tranquillity, except at Montreal, where Papineau and Viger exerted their influence with the mob and some riots took place. Will call the Legislature together but looks forward to an almost immediate prorogation. The harvest is unusually abundant.

266

August 31,
Quebec.

Same to Goderich (private). Earnestly solicits that a commission may be sent to Quebec to audit and investigate financial affairs since 1820, which have been totally neglected by the House of Assembly. The annual accounts not being reported on in approval or otherwise. The confusion in the public accounts. The necessity of his being protected.

268

August 31,
Quebec.

Same to the same (No. 48). In consequence of the difficulty of obtaining a quorum for the Executive Council, he has appointed two honorary members, the civil secretary of Government and the attorney general. Asks that they each receive a mandamus.

270

August 31,
Quebec.

Same to the same (No. 49). In accordance with instructions the commissary general has prepared statement of sums advanced from the military chest during his (Dalhousie) administration, which he has forwarded to the Treasury. Now sends two accounts, No. 1 showing the sums advanced from the military chest for the ecclesiastical establishment, and No. 2, the same in aid of the civil government. Explains in detail the items in the accounts.

271

Part 2 contains the accounts referred to in preceding letter.

GOV. LORD DALHOUSIE, 1827.

Q-179-3.

1822.
September 4.
Paspebiac.

Complaint of the Merchants. Enclosed in Dalhousie to Huskisson, 15th November, 1827.

1827.
March ..

Extract of an address to their constituents signed by Papineau and others.

August 20,
Montreal.

Address to the electors of the West ward of Montreal signed by Papineau.

September 1,
Magdalen
Islands.

(Both enclosed in Dalhousie to Huskisson, 10th December, 1827.)

Culbeck (Colback?) to ——— Enclosed in Dalhousie to Huskisson, 15th November.

September 16,
Quebec.

Dalhousie to Wilmot Horton. Answers dispatches from Bathurst and himself respecting Burton, although he had already replied on almost every point. Defends himself against the charge of delay in taking

1827.

- notice of dispatches on which he could not report till the subject was discussed and the result of the session ascertained. Complains of the speed with which Burton was answered, not leaving time for his (Dalhousie's) correspondence being received. Criticises the course followed by Burton in denying he had seen the instructions and in his sanctioning the bill of supply, which does not acknowledge the rights of the Crown regarding the revenue under 14 George III. Remarks on other parts of Burton's conduct. Page 350
- October 5,
Quebec. Davidson to Cochran.
- October 10,
Quebec. Rayside to Gore D.Q.M.G. Both enclosed in Dalhousie to Huskisson, 15th November.
- October 12,
Quebec. Dalhousie to Goderich. Applies for leave of absence for twelve months. 357
- October 23,
Quebec. Dalhousie to Goderich (No 50). Mandamus for John Forsyth to a seat in the Legislative Council received. His disappointment that the other he asked for, in favour of Taschereau has not been sent. The impartiality necessary in making appointments to the Council. Taschereau has been one of the few steady supporters of His Majesty's government and the distinction is one he has merited. 358
- October 23,
Quebec. Dalhousie to Wilmot Horton (private). Has had a conversation with the attorney general respecting the matters at issue between government and the Seminary. The members have entreated that the discussion be postponed until the return of Mr. Roux. The danger that in the negotiations he is making with government terms may be given inconsistent with the interests of the Crown. 360
- October 23,
Quebec. Same to the same. Remarks on a published letter by Dr. Strachan, what he calls a chart of the Church in Upper Canada. Grave contradictions of Strachan's statement are in course of preparation and will speedily be transmitted by the ministers of the Scotch Kirk in Canada. Trusts Goderich will suspend his opinion till further papers shall be sent forward. 351
- October 31,
Quebec. Same to Huskisson (No. 51). Has received dispatch with copy of letter from Byham, Secretary of the Board of Ordnance to Wilmot Horton, relating to military buildings at Sorel. The error in describing it as in Upper Canada. Its importance in a military point of view, and from its situation it is where the general officer should place himself. Denies that he ever asked the expenditure of £7,000 or £8,000 for a house there for the commander of the forces. What he did propose. 362
- November 15,
Quebec. The same to the same (No. 52). Transmits requisition for stationery for the Civil department of Lower Canada. 365
- November 15,
Quebec. The same to the same (No. 53). Dispatches received of which a list is given. 366
(This letter is dated the 5th in the original, but as this is apparently an error, it is marked in the margin as the 15th).
- November 15,
Quebec. Dalhousie to Huskisson (No. 54). Has been unsuccessful in obtaining information respecting Goudard, Stack and Prossy. 368
- November 15,
Quebec. The same to the same (No. 55). Has received dispatches respecting the civil list and financial arrangements. His satisfaction that these full and explicit instructions have arrived in time to guide his conduct during the session, which will open on the 28th. 369
(This, like 53, is dated 5th in the original.)
- November 15,
Quebec. Dalhousie to Huskisson (No. 56). Transmits transcripts of proceedings of the Executive Council on matters of state, from 29th August, 1826, to 20th October, 1827, inclusive. 370
- November 15,
Quebec. The same to the same (No 57). Transmits copy of journals of Assembly for last session. 371

1827.
November 15,
Quebec.

Dalhousie to Huskisson. Sends memorial from Bowen respecting his situation as French translator, which he recommends for favourable consideration. Had already expressed an objection to the employment of a judge as French translator, but Bowen ought not to be deprived of the office without compensation.

Page 439

Enclosed. Memorial from Bowen.

440

(The memorial is dated 16th.)

November 15,
Quebec.

Dalhousie to Huskisson (No. 59). Is imperfectly acquainted with the stipulations of the convention of 1818 with the United States relating to the fisheries, of which he asks more accurate information. His regret at the terms of agreement. In obedience to instructions, he has had inquiry made and now transmits copies of report from the commander of the hired government brig and of letters from Davidson and Calbeck, the latter residing at the Magdalen Islands. Sends also extract from a letter from Bouchier of H. M. S. "Athol" with representation from inhabitants of the Bay of Chaleurs respecting the fisheries. The grounds of complaint against the encroachments of the United States fishermen shown in the various documents besides French encroachments. How penalties can be recovered. Asks for an interpretation of the words of the convention. Asks for regulations to be adopted and signified to him early in the season, so that he may employ proper persons to carry them out and recommends Capt Rayside of the government brig, and James Crawford, chief magistrate at Gaspé, to be employed for that purpose, and suggests the necessity of these officers having authority from the Commissioners of Customs, or from the department in Quebec to make seizures for breach of the law.

372

Enclosed. Report of Capt. Rayside on the encroachments of United States fishermen, given in detail and at length.

377

John Davidson to A. Cochran. Report on the same subject.

383

Calbeck (Colbeck, Calbeck) report of encroachments on the Magdalen Islands.

388

Extract from letter from Bouchier. H. M. S. "Athol" with complaint of the merchants at Paspébiac respecting Americans fishing in the Gulf of St. Lawrence.

391

Complaint of the Merchants.

392

(A note says that (No. 58, 60 and 61 were not received).

November 21,
Quebec.

Dalhousie to Huskisson. Sends copy of letter to the commander-in-chief, on the subject of a branch of the military service in Canada most important in all summer movements.

447

Enclosed. Dalhousie to Wellington. Brings under consideration the bateau establishment for transport to the upper province. His objections to the removal of the establishment from La Chine to Montreal. The character of the *voyageurs*; the description of officers required. The transport service is part of the commissariat; the health of the present officer in command has induced him to seek half pay. Proposes in view of this that the transport service should be formed under another department than the Commissary General's, or as a sort of provincial company; one captain and two inferior officers with 50 men would be sufficient, specially selected from Canadians who had been brought up to that life. The additional expense would only be for the pay of two inferior officers; with the advantage of being permanently organized, that corps would be composed of the best behaved men.

448

Darling to Durnford, 15th November. Dalhousie desires him to make a report on the bateau service at La Chine, with a view to coming to a decision as to keeping or abandoning that post. His objection to the removal to Montreal on account of the damage done to the boats and the want of control over the men. Other considerations of expense, &c. "His Lordship is therefore decidedly of opinion that the necessary

1827.

"repairs ought to be performed to the buildings at Lower La Chine, if the establishment cannot be placed near the Head of the canal at Upper La Chine."

Page 450

November 21, Quebec. Report of debate in Assembly. Enclosed in Dalhousie to Huskisson, 10th December, 1827.

November 22, Quebec. Dalhousie to Huskisson. Reports on various points that were referred to him respecting the Indian department. The proposal to convert the annual presents into money viewed with alarm by the chief as money to the Indians is instantly spent in liquor and the arrangement to give presents was to prevent this. The execration of the country would follow any attempt to pay in money. Remarks on the papers sent. Prospects of disputes with Michigan and Governor Cass. 400

Schedule of the papers accompanying the dispatch. 405

The papers noted in the schedule, duplicates omitted. 407 to 438

November 22, Quebec. Dalhousie to Huskisson (Confidential). Reports that by the violent speeches of Papineau and the leaders in his faction in last election the returns gave him more influence than before in the Assembly. His election as speaker not accepted; the House insists on the election, the King's approval, they hold, being merely a form. Has consequently resolved to prorogue. The irregular proceedings of the Assembly have caused little excitement. 453

Enclos d. Notice by the Governor that he refuses to accept Papineau as speaker. 456

Resolution of the House of Assembly on the election of Papineau as speaker. 457

Extract from the journals relative to the election of Papineau. The division on the resolutions was, as here noted: For the resolutions 41; against 4. The latter being the Solicitor General, Messrs. Christie, Stuart and Young. 459

Address to the Governor-in-chief on the subject which was ordered to be presented by Messrs. Vallières de St. Real, Cuvillier, Bourdage and Letourneau. 460

December 10, Quebec. Dalhousie to Huskisson (No. 63). Dispatches received by the October mail. 463

December 10, Quebec. Dalhousie to Huskisson (No. 64). Sends detailed statement of the causes leading to the dissolution of the legislature. The passion excited by the active measures taken by the persons opposed to government and the unscrupulous statements made to influence the elections. The violent conduct of the Assembly was he believes deliberately fixed, a steamboat being hired to bring Papineau's party to Quebec *en masse*, the violent incentives of Papineau to outbreaks, lead him to refuse as speaker, a person so notoriously opposed to justice, impartiality and moderation in the chair. Sends extract from newspaper report of the debate in the Assembly. Sends also copy of address from the respectable inhabitants of Montreal. His regret that the Roman Catholic parochial clergy have joined their influence on the side of the popular party, the strong actor in the case being the Apostolic Vicar, M. Lartigue, who takes the style of the Bishop of Telmesse. The good disposition of the Bishop of Quebec. Report of an intention to send a deputation to England with a complaint. Should this be done, he will send a person well qualified to answer the complaints. The state of the province appears to be politically, what it has been for twenty years. Has now determined not to call the legislature together till November, 1828, although he had thought of calling it sooner, and sends copy of the speech he had intended then to deliver. Sends also account of the revenue and expenditure for 1827. The increase in the revenue permanently placed at the disposal of the Crown. How the surplus should be disposed of. The state of the finances as shown by the reports and schedules. 464

1827

December
Quebec.December
Quebec.

No date.

1840.
April 30,
Montreal.1749.
April 1.1816.
February 26,
Quebec.1822.
September 31823.
June 18,
Ordnance.

June 20

June 30,
Ordnance.1825.
April 25,
Glasgow.June 9,
Ordnance.1826.
July 31,
"Jupiter."October 14,
Quebec.

1827

Enclosed. Address, signed by Papineau to the electors of the west ward of Montreal.

Extract of an address to their constituents dated in March last, signed by Papineau and others. Prge 477

Report of the debate in the Assembly. 483

Resolutions against the course of the House of Assembly, passed at a meeting in Montreal. 484

Address of inhabitants of Montreal to Dalhousie. 499

Intended speech by Dalhousie to the Legislature. 501

General statement of the revenue in the province at the disposal of the Crown. 505

December 13, Dalhousie to Huskisson. Sends certificate of the birth and baptism of Marie Françoise Massot (or Masot) in 1749. 509
Quebec.

December 13, The same to the same. Has received instructions respecting the boundary between Lower Canada and the United States, which he shall carry into effect. 511
Quebec.

No date, Intended speech to the Legislature. 512

Address of inhabitants of Montreal to Dalhousie.

Resolutions against the course of the Legislative Assembly. These three documents were enclosed in Dalhousie to Huskisson 10th December, 1827.

1840, Poulett Thomson to Lord John Russell. Transmits copy of memorial from Etienne Labodie representing the ill treatment to which British fishermen on the coast of Labrador are exposed, and asking for protection. 396
April 30, Montreal.

Enclosed Memorial. 397

(The dispatch from Poulett Thomson, afterwards Lord Sydenham, and enclosure have been placed here by mistake.)

PUBLIC OFFICES, 1827.

Q. 180.

1749.
April 1,

Commission fixing the limits of Fort St. John's.

1816.
February 26,
Quebec.

Report of survey, made by John Collins on lands on which Fort St. John's is built. Both enclosed in Butler to Wilmot Horton, 15th October, 1827.

1822.
September 3,

Travis to Beckwith. Enclosed in Sullivan to Wilmot Horton, 24th September, 1827.

1823.
June 18,
Ordnance.

Circular from Ordnance Office. Enclosed in Butler to Wilmot Horton, 15th October, 1827.

June 20

Certificate by Vanderburgh of the services of Travis. Enclosed in Sullivan to Wilmot Horton, 24th September, 1827.

June 30,
Ordnance.

Circular from Ordnance Office signed "W. Griffin." Enclosed in Butler to Wilmot Horton, 15th October, 1827.

1825.
April 25,
Glasgow.

Form of return follows.

Rules and regulations for the society for promoting the religious interests of the Scottish settlers in the British provinces in North America. Enclosed in Welsh to Huskisson, 20th December, 1827.

June 9,
Ordnance.

Circular to Respective Officers. Enclosed in Butler to Wilmot Horton, 15th October, 1827.

1826.
July 31,
"Jupiter."

Order by Rear Admiral Lake. Enclosed in Barrow to Wilmot Horton, 8th May, 1827.

October 14,
Quebec.

Durnford to —.

Of the same date are instructions to the officers of engineers.

1826.
October 16, Quebec. Durnford to Darling.
- October 18, Sorel. Memorandum.
- October 19, Sorel. Durnford to Darling.
- October 25, Quebec. Darling to Durnford.
- October 30, Quebec. General Order.
- November 10, Quebec. Durnford to Ellicombe. This and preceding documents enclosed in Byham to Wilmot Horton, 15th January, 1827.
- November 9, Treasury. Hill to Planta.
- November 25, Foreign office. Bidwell to Sir Robert Ker Porter. Both enclosed in Backhouse to Wilmot Horton, 21st September, 1827.
- December 1, Quebec. General order respecting Indian affairs. Enclosed in Planta to Wilmot Horton, 24th May, 1827.
- December 1, Quebec. Howe to Freeling.
- December 7, Halifax. Address by the Chambers of Commerce.
(The date is by an error written 1821 in original.)
- December 18, Halifax. Howe to Freeling.
- December 19, Halifax. The same to the same. This and the three preceding documents enclosed in Freeling to Wilmot Horton, 1st February, 1827.
- December 26, Ryegate, 1827. Carmichael Smyth to Mann.
- January 1, London. Gotter Mann to Byham. Both enclosed in Byham to Wilmot Horton, 15th January, 1827.
- January 3, War Office. Sullivan to Wilmot Horton. Applies for statement of the annual amount of the salary and emoluments of paymaster William Kemble of the late Canadian Embodied Militia. Page 227
- January 6, War Office. The same to the same. For the salary and emoluments of the civil situation of Lieut. William Robins, late of the Meuron regiment 228
- January 8, Treasury. Hill to Wilmot Horton. The Treasury desire to have Bathurst's opinion respecting proposed alterations in the pay and allowance of the Indian department. 172
- January 12, Ordnance. Byham to the same. The order by Dalhousie to issue condemned barrack bedding to distressed emigrants is contrary to regulations; the object of the regulations is not for the value of what is left, but is intended as a safe guard against abuse. 98
- January 15, Ordnance. Enclosed. General order to prevent barrack bedding and other public stores from being disposed of to individuals in consequence of the facility this affords for abuse. 100
- January 15, Ordnance. Byham to Wilmot Horton. Sends letter from the inspector general of fortifications with correspondence relating to works to be undertaken in the Canadas. The master general and Board of Ordnance, consider it very desirable that no time should be lost in acquiring the lands necessary for the line of canal. 101
- January 15, Ordnance. Enclosed. Gotter Mann to Byham. Sends letter from Durnford with correspondence respecting works to be undertaken in Canada. What seems most immediately to call for attention is the want of official communication from the Colonial Office. Remarks in parallel columns signed H. H. 102
- January 15, Ordnance. Durnford to——. Relying on the commander of the forces, having received communications from the Secretary of State to forward the views of the master general and Board of Ordnance and the officers to be

1827.

employed having arrived, he sends a copy of the instructions he proposes to send to Colonels By, Figg and Wright, that no time may be lost. Should he be mistaken as to the receipt of communications, he trusts that His Lordship having all the papers before him will be pleased to sanction carrying the work into immediate effect. Asks that the officers employed may have every facility for travelling afforded them by the quartermaster-general and commissariat department. Page 105

Durnford to By. Instructions how he is to proceed in respect to the Rideau Canal. 106

Durnford to Figg (?) Instructions respecting works of defence at Chambly, &c. 108

Durnford to Wright. Instructions respecting works of defence in the upper province. 109

Further correspondence respecting canals, the abandonment of barracks, &c., and the building of works of defence. 112, to 128

January 20, Treasury. Herries to Wilmot Horton. The Treasury referring to correspondence desire to have the accounts between the Colonial and Imperial governments adjusted. For this purpose the commissariat officer is to prepare lists of money advanced from the military chest in Canada for colonial purposes. The Receiver General to make up an account of services for which the colony ought not to be asked to make provision. 173

January 22, London. Hamilton to Wilmot Horton. The proprietor and his assigns of a proprietary chapel have the nomination of the minister vested in them, under a license from the rector. If a chapel of ease, the nomination is transferred to the rector. If in the present case the nomination is in the hands of the proprietor and his assigns, a veto should remain with the rector and the bishop. 262

January 25, Admiralty. Barrow to Wilmot Horton. A passage has been provided for Cookburn, his secretary and servants, to Bermuda, whence they will be sent to their destination in British North America. 6

January 25, Whitehall. H. Hobhouse to the same. In all cases where sentence of transportation has been passed in Canada on persons sentenced to death and pardoned on condition of transportation, the law authorises the ordering of such persons to be transported to the convict ships at Bermuda. Certain persons sentenced to death and respited have had their sentences commuted to transportation, warrant for which is enclosed. The extraordinary delay in reporting several of the cases. Several persons have received sentence, not of transportation, but of banishment. In these cases, Peel directs him to say he cannot give instructions. 87

January 27, Foreign office. Bidwell to Sir Robert Ker Porter.

January 27, Foreign office. De Walden to Rev. Lewis Rose. Both enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

February 1, Whitehall. Lack to Wilmot Horton. Returns four bills which not having been allowed within two years of their date are virtually disallowed. 30

February 1, Ordnance. Byham to Wilmot Horton. The Master General and Board of Ordnance have decided to take measures for acquiring Sir John Harvey's property at Quebec. 129

February 1, Post Office. Freeling to Wilmot Horton. Transmits papers which show that the new arrangements for communication with North America are not satisfactory. 240

Enclosed. Howe to Freeling. The disadvantages of the proposed mail route by way of Bermuda. Different plans suggested. 241

Howe to Freeling. He has received instruction as to the change in the mails. As a general regulation 14 days are enough for the mail to remain at Halifax, but as the mails from Quebec and other provinces arrive on Saturday, the mail outwards might close on that day. 247

1827.

- Howe to Freeling. Transmits copy of address from the Halifax Chamber of Commerce respecting the mails. Page 249
- Address from the Halifax Chamber of Commerce representing the injury to trade, &c., caused by the change of mail arrangements. 250
- February 9, Ordinance. Byham to Wilmot Horton. The Master General and board of Ordnance cannot recommend the building of a house for the commander of the forces at Sorel, even if it be eventually a military post. 130
- February 14, Whitehall. Stephen to Wilmot Horton. Transmits proposed bill for the sale of part of the clergy reserves in Upper and Lower Canada. 92
- February 16, Ordinance. Byham to the same. Sends list of stores in charge of the Ordnance storekeeper sent out for settlers and not required for the public service. The issue of such stores has been discontinued for years. The Board are desirous of receiving Bathurst's propositions as to their disposal. 132
- Enclosed.* Note on the letter from the Board of Ordnance relating to implements for settlers. The tools are generally speaking inferior in quality and unsuited for the use of emigrants, so that their acquisition is inexpedient if payment is required. It might be well to distribute them to the emigrants without charge as a boon. If sold by auction they could only be as old iron. 133
- February 20, London. List of stores in charge of the Ordnance storekeeper at Montreal. 134
- February 24, Ordinance. Address of the House of Commons for copies of the regulations for granting waste lands in the Canadas. 1
- Byham to Wilmot Horton. The Master General and Board of Ordnance believe that it would be for the public interest that the department should control the land forming part of the Plains of Abraham, between the exercise ground and the Citadel. If approved of by Bathurst orders shall be sent to the Commanding Royal Engineers on the subject and to adopt preliminary measures. The final decision can be made by the Board. 135
- March 8, London. Hamilton to the same. The ministers of the Kirk of Scotland have no claim on the clergy reserves; they are as much dissenters in Canada as they are in England. 261
- Enclosed.* Extract from the Debate on the clergy reserves. 266
- March 10, Treasury. Herries to Wilmot Horton. Sends letters from Turquand and copy of contract for hire of a vessel for the public service. Have the circumstances under which the vessel has been hired so long been reported to Bathurst, and is he satisfied with the propriety of the measure? 175
- March 13, London. Address of the House of Commons for a return of the population in Upper and Lower Canada, with the numbers belonging to the different religious persuasions. 2
- March 14, London. Hamilton to Wilmot Horton. The Bishop of Quebec desires to have a clause inserted in the clergy reserve Act empowering the authorities to grant leases as well as to sell or convey in fee simple. 268
- March 16, Whitehall. Lack to the same. Transmits copy of letters to Herries that it may be communicated by Bathurst to the governors of Upper and Lower Canada. 32
- Enclosed.* Lack to Herries. Goods allowed to be imported into Canada are to be admitted to entry at any port on security being given that delivery will be made at some free warehousing port in one of the provinces. 33
- March 20, Treasury. Herries to Wilmot Horton. Explains the claims of the collector of customs to exact fees on duties imposed by the different legislatures. But all fees hitherto received have been abolished by the Act of 6 Geo IV., cap. 106, fixed salaries being established in lieu thereof. 176
- March 27, Admiralty. G. Cockburn to the same. Is the service his brother was selected to perform such as should exempt him from the penalty inflicted on him? His answer will determine the course of applying to

1827.

April 6,
"Jupiter."April 10,
Caracas.April 10,
Post Office.April 11,
Treasury.April 11,
London.April 14,
Caracas.

April 14.

April 16,
Treasury.April 17,
Navy Office.April 20,
Horse Guards.April 22,
Caracas.April 23,
Caracas.April 26,
Whitehall.

the Secretary at War to annul the claim. Had his brother known that his not going to Jamaica was to occasion him the loss of two years' pay, nothing would have prevented him from proceeding there. Page 7

Explanation by Rear Admiral Lake. Enclosed in Barrow to Wilmot Horton, 8th May, 1827.

Sir Robert Ker Porter to Bidwell. Enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

Freeling to Wilmot Horton. The packet for North America was detained owing to the dispatches from the Colonial office not being received. Will further delay be necessary? 252

Herries to Wilmot Horton. In answer to Dalhousie's representation, the collector of customs is only to retain one-fourth of the duties collected, if the one-fourth is not sufficient to pay the salaries, &c. If one-fourth is more than sufficient, only the necessary amount is to be retained. The salaries and contingencies are to be deducted rateably from each branch of the service. 179

Pelly to Bathurst. In accordance with licence, sends copies of registers from the Hudson's Bay territories of all persons employed by the company in these territories in 1825 and 1826. 277

Enclosed. List, 1824-1825. Northern department, 662. Southern department, 292. List for 1825-26. Northern department, 637, Southern department, 190.

Sir Robert Ker Porter to Bidwell. Enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

Opinion of the Law Officers that the Kirk of Scotland has no claim to participate in the clergy reserves or any other provision for the established church. 91

Herries to Wilmot Horton. The merchants of Canada not having derived the benefits expected from Acts passed in the 6th and 7th years of George IV., instructions are to be sent to the collectors of customs to give every facility for carrying into effect the recommendation of the Board of Trade, and instructions should be sent to the governors to give such directions as may be necessary to the frontier officers, making a return to the Treasury of the directions, the names of the officers and the stations at which they may be serving. 181

Enclosed. Lack to Herries. Substance of minute of the Board of Trade respecting complaints of Canadian merchants. 183

Commissioners of customs. Memorandum of how the obstacle to the benefits of the Act of 6 and 7 George IV., may be removed. 184

Navy Board to Wilmot Horton. Scott, schoolmaster from the National Society, and his wife may go on board the "Endeavour" for passage to Quebec. 96

Taylor to the same. The 70th and 76th regiments which have been nearly 14 years in Canada are to be relieved by the 15th and 66th now in Ireland. Tonnage to be provided for their conveyance. 26

Sir Robert Ker Porter to Hill,

Sir Robert Ker Porter to Bidwell. Both enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

Lack to Wilmot Horton. Sends minute of Privy Council on the regulation and protection of the fisheries in the Gulf of St. Lawrence. 34

Enclosed. Minute of Council on trade explaining the conditions of the convention of 1818 with the United States respecting the fisheries. 35

1827.
April 30,
War Office.

Sullivan to Wilmot Horton. Transmits memorial of Lieut. Napier, for his half pay, together with the income of his appointment in the Indian department. The Secretary at War desires to know if Napier's statements are correct. Page 229

Enclosed. Memorial. 230

May 8,
Admiralty.

Barrow to Wilmot Horton. Sends copies of two orders from Rear Admiral Lake and copy of explanation of the circumstances requesting that Lord Goderich would give his opinion whether the passages of Lord Dalhousie and family on the occasions mentioned are to be paid for by the public. 8

Enclosed. Order to Capt. Houston Stewart to proceed to Quebec to take on board Dalhousie and family to be taken to Halifax, stopping at Gaspé and Bay of Chaleurs on the way if required. 9

Order to bring Dalhousie back from Halifax. 11

Explanation of the orders for passages of Dalhousie to and from Halifax. 12

May 16,
London.

Memorandum submitted to Goderich by Hamilton, with tables, in reference to the state of the church, in the North American colonies in 1824. 269

Enclosed. List of churches in Nova Scotia of the church of England in 1824 "Built" "Building" and "Wanted." 272

At the end is a list of churches in the provinces of Nova Scotia, New Brunswick, Prince Edward Island, Upper Canada, Lower Canada. 273

Extract from Bishop Inglis's report. 274

May 19,
Ordnance.

Owen to Wilmot Horton. Has examined particulars of the intended grant for the Rideau. Sends statement. The water communications are all colonial works, although carried on by the ordnance, and the grant yearly is based on the calculation that the work is to be completed in four years. Amount of annual grant stated. 137

May 21,
London.

Address of the House of Commons for estimates of the cost of water communication in the Canadas. 3

May 21.

Address of the House of Commons for copy of memorandum to Goderich from the Society for the Propagation of the Gospel. 4

May 24,
Treasury.

Planta to Wilmot Horton. Transmits copy of general order relative to alterations in the pay and allowances of resident agents of the Indian department for the opinion of Goderich. 186

May 24,
Treasury.

The same to the same. Transmits for the information of Goderich, general order on the arrangement of certain duties on an appointment in the Indian department. 187

Enclosed. General order appointing Darling to be Deputy Superintendent of Indian affairs, with arrangements consequent on the death of Claus. 188

May 25,
Board of
Trade.

Lack to Gordon. Sends application which does not belong to the department of trade. 40

May 29,
Treasury.

Planta to Wilmot Horton. It being represented by Dalhousie that he had reappointed the blacksmith to the Indian department, the system in operation having been more expensive than the permanent appointment, Goderich is recommended to approve of the appointments but Dalhousie should be called on to make a return of the actual expense of repairing arms for the Indians for the last four years. 189

May 30,
Admiralty.

Croker to Wilmot Horton. Sends copy of instructions to Commander Bayfield for executing surveys of the St. Lawrence from Montreal to Anticosti. 15

Enclosed. Croker to Commander Bayfield. Instructions as to the means he is to take for surveying the St. Lawrence. 16

June 1,
London.

Memorandum of the claim of Lower Canada. Enclosed in Freeling to Felton, 7th July.

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1827.
June 2,
Treasury.

June 3,

June 8,
Admiralty.

June 9,
War Office.

June 9,
Ordnance.

June 11,
Caracas.

June 12,
Norfolk.

June 12,
Paisley.

June 13,
Norfolk.

June 14,
Treasury.

June 15,
Board of
Trade.

June 16,
Caracas.

June 18,
Treasury.

June 18,
Caracas.

June 18
Caracas.

June 18,
London.

June 19,
Foreign office.

Hill to Wilmot Horton. The payment of \$100 pension to the Indian Chief Amable Chevalier should be sanctioned under the circumstances stated. Page 190

Taylor to Wilmot Horton. Has the proposal of Bathurst to provide for the efficient superintendence of the Indians by the appointment of Darling been confirmed? 27

Barrow to the same. The Lord High Admiral is desirous to arrange the mail service, so that the mails may be sent direct to Halifax, if Goderich can make arrangements. 19

Sullivan to the same. For statement of the annual income of the civil situation of Capt. J. G. Ogden, late of the 38th foot. 232

Circular signed "W. Griffin." Enclosed in Butler to Wilmot Horton, 15th October, 1827.

Alex. Cockburn to Moore. Enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

Travis to Gray. Enclosed in Sullivan to Wilmot Horton, 24th September.

Burns to Wilmot Horton. The right of the Church of Scotland to a share of the clergy reserves. The statement of its claims should be published as well as that by Dr. Strachan on behalf of the Church of England. 306

Travis to Gray. Enclosed in Sullivan to Wilmot Horton, 24th September.

Hill to Wilmot Horton. Transmits petition from Mrs. Dawson, with papers, praying for remuneration for bringing dispatches to Provost, to be submitted for the consideration of Goderich. 191

Lack to Wilmot Horton. Huskisson asks him to prevail on Felton to be quiet for the present. 41

Alexander Cockburn to Francis Cockburn. Enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

Hill to Wilmot Horton. Transmits memorial from the widow of the late Robert Ramsay Livingston, of the Indian service, for a pension in consideration of her husband's services. The Lords of the Treasury desire the opinion of Goderich as to whether the services of Livingston entitled his widow to a pension, as otherwise they are unwilling to sanction payments that would form a precedent. 192

Sir Robert Ker Porter to Bidwell.

The same to Moore. Both enclosed in Backhouse to Wilmot Horton, 21st September, 1827.

Willoughby to Wilmot Horton. Forwards account for the North American colonies for the year ending 5th January, 1826. 316

De Walden to Hay. Sends copy of note from Prince Polignac on the subject of an order from Bathurst, respecting a religious establishment in Canada to be submitted to Goderich for his consideration. 42

Prince Polignac to Dudley (in French). In consequence of the British government having some years ago appeared to dispute the rights of the Seminary to the ownership of properties in Canada, the terms of the capitulation of 1760 were invoked and acknowledged as proof of their rights. This satisfied the Seminary, but the members are again disturbed by a letter from Bathurst to Roux, that he has sent orders to Canada to take legal measures to secure the rights of the Crown to the seignory of Montreal. Discusses the question of the titles of the Seminary and of the security for their ownership. 43

Respective Officers to Byham. Enclosed in Butler to Wilmot Horton, 15th October, 1827.

1827.
June 23,
London.

Address of the House of Commons for copies of correspondence on the subject of the claim of the Church of Scotland upon the clergy reserves.

Page 5
213

June 25,
Quebec.

Estimate of presents required for the Indians for 1828.

July 5,
Treasury.

Hill to Wilmot Horton. Sends for consideration of Goderich, letter from Dalhousie with papers respecting a claim by David Ross, of Montreal, for professional services.

193

July 6,
Whitehall.

Stephen to the same. Is not sure if he understands what is to be done relative to the nuns of Montreal. Bathurst did not think it convenient to give a direct answer. He seems to intend to recommend an investment in the funds, and to accede to the request to purchase lands in mortmain should the nuns state a reasonable objection to the other. Has returned the papers which may be sent back to him with instructions if he can be of use.

93

July 7,
Post Office.

Freeling to Felton. The amount of postage remitted from the North American colonies is net. Of that amount one third is formed of British inland and packet postage. The expense of maintaining packets between Great Britain and North America is at the lowest £10,000 per annum.

253

Enclosed. Returns of the revenues.

254 to 257

Memorandum of the claims of Lower Canada to the net produce of the Post Office revenue levied in the province.

258

July 9,
Whitehall.

Stephen to Baillie. Has had for a long time two North American papers. One from Mr. Girouard, a priest, seeks letters patent for the incorporation of a seminary and for the endowment by certain lands to be held in mortmain. If it is allowable, the instrument could be prepared in Lower Canada, for it is only a Canadian lawyer who could prepare it, as the whole of the grant must be recited. If anything is to be done, the proper course is to have an instrument prepared in Canada for revision. The case of Forder has been decided, so that the papers will perhaps be directed to be put by.

94

July 10,
Norfolk.

Gray to Palmerston. Enclosed in Sullivan to Wilmot Horton, 24th September.

July 28,
Foreign office.

Backhouse to Wilmot Horton. Dudley, in view of the inconveniences of the present mail arrangements, will see with satisfaction the old line by way of Halifax restored. The mails for the mission at Washington to be sent by way of New York and not by Boston.

47

August 2,
Admiralty.

Croker to Hay. The Lord High Admiral cannot ensure the mail communication being kept up with regularity if the lengthened voyage to New York with the small vessel employed is to be insisted upon.

20

August 6,
Treasury.

Hill to the same. The Lords of the Treasury do not object to the expense incurred by Dalhousie for a vessel engaged for the service of the fisheries, believing it to be necessary, but the expense should have been submitted to the provincial legislature to have a proper provision made for its discharge.

194

August 8,
Ordnance.

Byham to the same. Orders have been given for two royal standards, one for Quebec, and the other for Kingston.

138

August 13
Treasury.

Hill to the same. Sends letter from the Board of Ordnance and abstract of seigniorial rents to know if Goderich sees any objection to the proposed arrangement.

195

Enclosed. Byham to Hill. The Respective Officers have transmitted perambulation return and list of seigniorial rents, asking if they are in future to be paid and received by that department. The Board of Ordnance has decided that they should, and that the Ordnance officer pay, as usual, the sums which he may receive into the military chest. Asks that the Treasury give the necessary orders to the commissariat officer at Quebec.

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1827.

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August 17,
Custom House

August 18,
Treasury.

August 24,
Treasury.

August 24,
Treasury.

August 28,
Treasury.

August 30,
Treasury.

September 8,
London.

September 11,
Hastings.

September 12,
Admiralty.

September 19,
Treasury.

September 19,
Admiralty.

September 21,
Foreign office.

Abstract of seigniorial rents paid by and to the commissariat department at Quebec.

Page 197

Commissioners of Customs to Herries. Enclosed in Hill to Wilmot Horton, 24th August.

Hill to Wilmot Horton. To send to the Treasury a copy of dispatch to Dalhousie as amended, to be acquiesced in. 198

The same to the same. Sends warrant for the payment of salaries mentioned in schedule. It would be desirable for every officer in Canada entrusted with the collection of the revenue to close the accounts each year to the 31st December, on the same principle as those in the United Kingdom are made up. 199

Enclosed. Warrant for the payment of salaries. 201
Schedule of salaries and fixed allowances. 205

Hill to Wilmot Horton. Sends copy of report of the Commissioners of Customs on a letter from Felton requesting that a separate custom-house may be erected at Montreal. The report is to be sent to the Governor of Montreal. If the trade of the province requires such an establishment, the expense must be defrayed from the duties collected in the province. 209

Enclosed. Commissioners of Customs to Herries. They have directed the officers in Canada to make a special report on the state of trade, and on its receipt they will state their opinion as to the expediency of complying with Felton's request for a custom-house at Montreal. 210

Hill to Wilmot Horton. The arrangement made by Dalhousie for leasing a large house for the use of departments is very proper, but the expense should be submitted to and approved of by the legislature. 211

The same to the same. Copies of dispatches from Dalhousie explanatory of the present state of the financial affairs of the province of Lower Canada have been received, as also the instructions it is proposed to transmit, which the Lords of the Treasury approve of. 212

Hamilton to —. Has prepared a letter for the Bishop of Quebec, which he will call and show. 276

Officers of customs to the Secretary for the Colonies. Send receipt for a bag of dispatches entrusted to Colonel Cockburn. 317

Enclosed. Receipt. 318

Barrow to Wilmot Horton. By a new arrangement mail packets are to go direct to Halifax, where other vessels are to take the mails to Boston, wait for the replies and return to Halifax. The packet after landing the mails at Halifax is to proceed immediately to Bermuda. Other arrangements. 21

Hill to Hay. Transmits estimate of presents required for the Indians for 1828. 215

The estimate precedes the letter. 213

Barrow to Wilmot Horton. By looking at the map he may make a better mail arrangement than the present. 23

Backhouse to Wilmot Horton. Sends copies of four dispatches from the consul at Caracas, detailing the steps he had taken to forward to Canada British subjects who had been induced to proceed to Columbia, and were left in a state of destitution. Sends also copy of instructions to Sir Robert Ker Porter to afford relief to those individuals. 49

Enclosed. Copies of letters respecting emigrants to Columbia. 50, 52, 54, 56

List of the remaining persons who arrived at La Guayra on the 2nd of December, 1825, sent out as colonists by the Colombian Agricultural Association of London. 59

Further correspondence respecting the persons sent to La Guayra. 62 to 75

1827.
September 24, Admiralty. Barrow to Wilmot Horton. Orders given that the packet from Halifax is to remain 48 hours in Bermuda, and that the Mexican packets are no longer to call there on their homeward voyage. Page 24
- September 24, War Office. Sullivan to Wilmot Horton. Transmits papers respecting the case of James Travis, employed during the first American war, to be submitted for the consideration of the Secretary for the Colonies. 233
- Enclosed. Gray to Palmerston. Transmits letters from a poor and aged man named Travis, who served during the first American war, and who applied for a pension for his services. Bathurst afforded him pecuniary assistance and assured him of further provision. 234
- Travis to Gray. States his services during the first American war, his application to Bathurst in 1822, when he was assisted. Requests him (Gray) to ascertain if any further provision has been made for him. 235
- Another statement from Travis to Gray. 237
- Travis to Beckwith. Reminds him of the time he (Travis) was employed during the Revolutionary war. 238
- Certificate by Capt. Vanderburgh of the services of Travis. 239
- September 29, Treasury. Hill to Wilmot Horton. The grant of half pay to Captain Hamilton Merritt and Lieut. Ingersol would establish a very inconvenient precedent, so that the Lords of the Treasury cannot comply with Dalhousie's recommendation in their favour. 216
- October 2, Admiralty. Barrow to the same. The North American packet on her return from Halifax, is to depart from thence, after her return from Bermuda, not later than 21 days after her first arrival at Halifax, unless the Washington mail shall not have arrived 25
- October 3, Treasury. Lewis to the same. The goods required for the Indian department for 1828 have been ordered to be forwarded by the Board of Ordnance. 217
- October 4, Treasury. The same to the same. The Lords of the Treasury concur in the instruction contained in the dispatch to Dalhousie to send detailed information of the precise expense of the Indian department, with a view to its reduction and the ultimate abolition of the establishment. 218
- October 6, Post Office. Freeing to Wilmot Horton. Regulations by the Admiralty in respect to the sailing of the mail packets. 260
- October 8. Minute by Master General. Enclosed in Butler to Wilmot Horton, 15th October, 1827.
- October 9, Treasury. Lewis to Wilmot Horton. The money paid for lots attached to the Jesuit barracks has been incorrectly paid into the military chest. It is to be withdrawn and transferred to the commissioners for managing the Jesuit estates. 219
- October 15, Ordnance. Butler to Wilmot Horton. The dispatch from Dalhousie enclosing memorial from the Baroness de Longueuil praying that a suit begun by the officers of the Department for the recovery of an apparent encroachment may be withdrawn, has been submitted to the Master General and Board of Ordnance. Sends copy of report from the officers; Huskisson's opinion asked if the proceedings should be dropped. Copies of documents sent, including orders to prevent encroachments on the public property. Minute of the Master General sent to be laid before Huskisson. Directions will in the meantime be given to suspend proceedings until the pleasure of government is known. 139
- Enclosed. Respective Officers to Byham. Report the opinions of the committee on encroachments on Crown Reserves at St. John's, and enclose documents in relation to the property. 141
- Commission (in French) which fixed the limits of Fort St. John's, 1st April, 1749. 143

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1827.

October 16,
Navy Office.

October 18,
Victualling
Office.

November 9,
Halifax.

November 12,
Uxbridge.

November 14,
Whitehall.

November 24,
Halifax
Harbour.

December 7,
Treasury.

December 7,
The Grove.

December 8,
Horse Guards.

December 8,
Treasury.

Report by John Collins, deputy surveyor general on the limits of the land at Fort St. John's, 16th October, 1770. Page 145

Extract from the annual report of inspectors assembled at St. John's, 30th May, 1827. That Collins had placed the boundary stones in a wrong place on the ground of a reported permission of the Marquis Duquesne of 1755, to the Baron de Longueuil, which cannot be found. The boundary marks ordered to be placed according to the original reservation. 146

General order to the Respective Officers that to preserve the rights of the Ordnance, all the roads over Ordnance lands allowed to be used by the public as a convenience are to be shut up for 24 hours. 148

Circular, dated 30th June, 1823, sending form for list of encroachments or trespasses on Ordnance property. 149

Form of return. 150

Circular to Respective Officers, 9th June, 1825. To include in annual report lands supposed to belong to the Ordnance but left in a state of ambiguity. 151

Minute by the Master General, 8th October, 1827, defending the conduct of the Respective Officers in respect to the Longueuil property at St. John's; they were acting under orders of the department. 153

Navy Board to Wilmot Horton. Have referred to the commissioners for victualling the navy, the letter for payment of the provisions returned into the commissariat stores from the ships employed to carry settlers. 97

Victualling Board to the same. In accordance with request, a bill has been drawn in favour of Peter Robinson, on the treasurer of the navy, for the value of provisions returned into the commissariat stores at Quebec. 319

Canning to Ogle. Enclosed in Barrow to Backhouse, 17th December, 1827.

Anglesey to Huskisson. If the proceedings against the Baroness Longueuil are dropped, she should be required to acknowledge that the cession of the land is gratuitous, only consented to on the express condition, that no new buildings are to be established within 400 yards of the most salient parts of the fort. Unless something to this effect is adopted, an inconvenient precedent may be formed. 155

Phillips to Stanley. Sends letter from Rev. George Bourne, with memorial from the Protestant dissenters of Lower Canada. 90

Rear Admiral Ogle to Croker. Enclosed in Barrow to Backhouse, 17th December, 1827.

Hill to Stanley. The Lords of the Treasury have received account from Commissary General Routh of all payments and advances of the military chest since the appointment of Dalhousie as Governor. Copies are transmitted to be laid before Huskisson. Has any account been received from Dalhousie? If so, a copy is asked for. 220

Enclosed. Routh to Hill. Sends account of payments and advances made from the military chest since the appointment of Dalhousie, a duplicate of which has been submitted to His Lordship. 221

Account of payments, &c. 222

Wellington to Huskisson. Concurs in letter to Dalhousie. Shall write him to the same purport. 28

Fitzroy Somerset to Hay. Returns Dalhousie's letter. 29

Hill to Stanley. Transmits for the opinion of Huskisson, letter from Dalhousie, requesting to be reimbursed for travelling expenses amounting to £300. 223

1827.
December 12,
Hastings.

Anglesey to Huskisson. The report from By is most distressing. The estimates for the Rideau Canal turn out to be grossly erroneous. Sir J. Carmichael Smyth, with other officers of engineers, was sent to report on defences and communications. He conceived the expense of forming the Rideau Canal would be about £169,000. Without waiting for an estimate, the Ordnance began the work, which By reports will cost £474,844. By has sent home Lieut. Pooley to explain. The civil engineer purposely misled the Colonial as well as the British Government, but it is a work of such magnitude that it should not have been begun without a careful examination of the estimates by the engineers of the department. The report of frivolous expenditures for grass plots, &c., contradicted by Pooley. Page 156

December 13,
Ordnance.

Gosset to the same. Has been directed by Anglesey to wait on Huskisson with reports and estimates of the Rideau Canal. Pooley has been sent by By to give information and explanations, and if he (Huskisson) wishes to see Gosset, he will bring Pooley. 158

December 13,
Hastings.

Anglesey to the same. No public notice to be taken of his observation of the imprudence of beginning a great work without an estimate. Thinks from the character of his predecessor, there must be a mistake. The Rideau Canal must be finished on the scale originally approved of by the Duke of Wellington, but there are objections (noted) to its enlargement. 159

December 15,
Foreign office.

Backhouse to Stanley. Transmits letter erroneously addressed to the Foreign instead of the Colonial Office. 76

December 15,
Ordnance.

Gosset to Huskisson. Transmitting letters from Anglesey. 160

December 17,
Admiralty.

Barrow to Backhouse. Sends copies of letter and enclosure from Admiral Ogle relative to the practice of United States fishermen drying and curing their fish on the Magdalen Islands. Former reports showed that the number was so trifling that it was not thought necessary to make any representation, but as they seem to be increasing, His Lordship will probably deem it expedient to send instructions for the guidance of the Admiral. 80

Enclosed. Rear Admiral Ogle to Croker. Had sent the "Alligator" to investigate complaints from the Magdalen Islands respecting encroachments of United States fishermen, who consider they have a right by the convention to dry and cure their fish on the Magdalen Islands. The subject was brought under the notice of the Admiralty by Rear Admiral Fahie, but as no instructions were sent, the practice continued until from 15 boats, the number has increased to 400, with upwards of 3,000 men. Asks for instructions. 82

W. P. Canning to Rear Admiral Ogle. Reports the result of his investigation into the practices of the United States fishermen on the Magdalen Islands and along the coast. 84

December 18,
Hastings.

Anglesey to Huskisson. Sends document giving all the information respecting the Rideau Canal in possession of the Board of Ordnance. The addition to the estimate is lamentable, but he cannot see an item which can be reduced. There is no way of escaping the expense, the question is within what time is the work to be completed. If £100,000 annually could be obtained for its more rapid advance it would be desirable. The objection to the enlargement of the locks entertained by Wellington and Carmichael Smyth arose he (Anglesey) believes from the impression that it would take an infinitely larger sum than that at which it is now calculated. 161

Enclosed. The document referred to, dated 17th December. The document has for title "Rideau Canal." 162

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162

1827.
December 19, Foreign office. Backhouse to Stanley. Transmits copy of letter from the Admiralty with dispatch and enclosures from Admiral Ogle respecting American fishermen drying and curing fish on the Magdalen Islands. Page 77
- December 20, Glasgow. Welsh to Huskisson. Renews on behalf of the Church of Scotland, application formerly made to Bathurst and refers to a petition and other papers sent to Goderich for small salaries to Ministers of the Church of Scotland in Nova Scotia and other colonies. 308
- Enclosed. Rules and regulations of the society for promoting the religious interests of the Scottish settlers in the British Provinces of North America, with a list of the office bearers of the society. 319
- December 27, Treasury. Hill to Stanley. In reference to settling a pension of £400 a year on Amyot, a warrant has been issued for the payment. 224
- Enclosed. Stanley to Hill (private and confidential). Respecting the proposed pension to Amyot and the difficulties that would be raised in the Assembly of Lower Canada in regard to granting either a salary or a pension. 225
- December 27, Downing Street. Stanley to Backhouse. Has received dispatch relative to American fishermen drying and curing fish on the Magdalen Islands. The propriety of obtaining a legal interpretation of the treaty. Should the construction of the Americans be found to be incorrect, the measures to be taken to put a stop to the practice. 78
- December 31, Liverpool. Collector and comptroller of customs to Huskisson. They have forwarded a bag of dispatches by Captain Philpotts whose receipt is enclosed. 320
- Enclosed receipt. 322
- December —, Ordinance. Anglesey to Huskisson. Desires to direct attention to the question of defence and construction of the Rideau Canal. Proposes to place £10,000 in the estimates for next year, but prior to doing so wishes to have the concurrence of his colleagues. 170

MISCELLANEOUS, 1827.

Q.-181.

1813.
March 26, Niagara. Enlistment of Thomas Medagh with extracts from the Articles of War. Page 234
1821.
August 16, Chatham. Grece to——.
- September 5, Chatham. Same to——.
1822.
August 7. Same to Dalhousie.
- August 17, Quebec. A. W. Cochran to Grece. This and three preceding letters enclosed in memorial by Grece, of 1st November, 1827.
1826.
June 29, Quebec. Cochran to Ryland.
- June 30, Quebec. Ryland to Cochran.
- July 5, Quebec. Same to the same. This and the two preceding letters enclosed in Ryland to Wilmot Horton, 20th April, 1827.
1827.
January 3, London. Dr. Poynter to Wilmot Horton. The uncertainty as to whether the successors of Dr. Panet are to retain the title of Roman Catholic Bishop of Quebec. 182

1827.
January 4,
Quebec.

Bishop of Quebec to Bathurst. The proposal made by the Assembly of Upper Canada, to sell the Clergy Reserves for purposes of education; it has also prepared a variety of other legislative measures with the object of depressing the Church of England, and it is intended to send an agent to London in support of these objects. His duty to counteract these efforts. The disposition to hostility against the Church of England does not extend to the community at large, but the leaders of the popular party think it a good opportunity to attack the church, the majority of the Assembly not being in a disposition to acquiesce in some of the views of His Majesty's Government. Asks that the powers of the clergy corporations be enlarged so as to enable them properly to dispose of the reserves. Page 193

January 5,
Geraldine
Cottage.

Fitzgerald to Wilmot Horton. From what fund did Captain Wyley receive £200 per annum for his losses during the late American War? He (Fitzgerald) suffered losses at the same time in the service of government for which he received no remuneration. 72

January 8,
Montreal.

Memorial of Rev. John Bethune. Applies for more speedy relief than he is likely to receive from the increase to his salary to be derived from the revenue of the Jesuit estates. 19

January 10,
Quebec.

Bishop (Anglican) of Quebec to Bathurst. Transmits memorial of Rev. J. Bethune, Montreal. Fears his apprehensions respecting the Jesuit estates are too well founded. 198

January 20,
Quebec.

Cochran to Ryland.

January 22,
Quebec.

Ryland to Cochran.

January 24,
Quebec.

Cochran to Stewart. This and the two preceding letters enclosed in Ryland to Wilmot Horton, 20th April, 1827.

January 26,
New York.

Moore to Wilmot Horton. Is sending a letter addressed to W. B. Felton, who embarked the previous day for Liverpool, the secretary to Dalhousie having asked him to do so. If obliged to go to Annapolis, his nephew will superintend the duties of office. 123

January 30,
Quebec.

J. Stewart to Ryland.

January 31,
Quebec.

Ryland to Stewart. Both enclosed in Ryland to Wilmot Horton, 20th April, 1827.

February 2,
Kilkenny.

Mary Plymouth to Secretary for the Colonies. Inquiries respecting her son, discharged in 1819 from the York Chasseurs, and granted a portion of land in British America. 184

Enclosed. Lukin to Mrs. Plymouth. She is to apply in regard to her son to the Secretary of State for War and Colonies. 184

February 7,
London.

Dr. Poynter to Wilmot Horton. Asks that the difficulties in the mind of Bishop Panet as to his title, &c., may be removed. 185

February 9,
Quebec.

Cochran to Stewart.

February 12,
Quebec.

Stewart to Ryland.

February 12,
Quebec.

Ryland to Stewart. This and the two preceding letters enclosed in Ryland to Wilmot Horton, 20th April, 1827.

February 20,
London.

Nethersoles and Barrow to Wilmot Horton. Ask for information respecting Godschall Johnson, believed to be in Canada, required as a witness in a suit. 176

February 21,
London.

Irving to Bathurst. Asks leave on behalf of the author (Orlando W. Roberts) to dedicate his work on South America to His lordship. 107

Enclosed. Title page of the work. 108

Proposed dedication. 109

February 25,
Maryborough.

Memorial of Bridget Fowles for assistance towards the recovery of her uncle's property, he having died intestate in Canada. 48

1827.
March 1,
Quebec.

Memorial of Hamilton Merritt for an allowance equal to half pay for himself and officers of the late corps of provincial Light Dragoons.

Page 125

Enclosed. Certificate by Major Eliot, of the efficiency of Merritt's Dragoons during 1813 and 1814.

Hamilton Merritt to Darling. He is applying for a gratuity equal to half pay; asks that the memorial be forwarded.

Gordon to Wilmot Horton. Asks leave to have a copy made of Act of Lower Canada, 41 Geo. III, cap. 4, for use in an appeal before the Privy Council.

A. F. Atkinson to Bathurst. His desire to become a minister, but the misfortunes of his family prevent him from continuing his studies. Applies for a recommendation to enable him to enter as a sizar into one of the Canadian Colleges or a dispensation that he may begin ministerial duty at once.

Freeland to the same. Calls attention to the loss that will be sustained in the manufacture of soap and candles in consequence of the increase in duties.

Newton to Secretary at War. For information respecting William Cook, formerly Master-Carpenter at William Henry, to know if he is alive, the inquiry being made on behalf of Mrs. Sarah Roberts, who was the daughter of William Cook.

Ferguson to Wilmot Horton. Renews his request for permission to take machinery to Canada. He goes to join his son-in-law Lieut. James Grierson who is settled on the banks of the Ottawa.

Harriman & Co. to Bathurst. Dr. Martin wishes for permission to proceed to British North America to exercise his profession.

Baron Maltzahn to Wilmot Horton (in French) for information respecting William Horch, or Hork supposed to have died in 1800.

Sewell to the same. His (Sewell's) son embarks for Quebec on Wednesday and will be happy to take charge of letters which Mr. Horton may wish to send.

Molteno to the same. Offers for sale a collection of maps of Canada, made by order of the Duke of Kent whilst he was in command.

Enclosed. List of Maps.

John Gladstone to Wilmot Horton. Had written for information for the benefit of Cleghorn, desiring to go to Canada. As he (Wilmot Horton) is no doubt much occupied, perhaps his secretary would send the information.

Chief Justice Sewell to Wilmot Horton. He has bought £150 worth of law books in France for the Advocate's Library, Quebec, which he hopes may be admitted free of duty. The £150 remaining is to purchase English law books, and he is anxious to preserve that sum from diminution, otherwise there are books he will be unable to acquire.

DuVernet to Wilmot Horton. Renews application for a grant of land in Canada on the ground of his services in the construction of a canal on the north side of the Ottawa.

W. A. and G. Maxwell to Wilmot Horton. Apply for information as to the duties payable on French brandy, Spanish and Sicilian wine and Jamaica rum, on entry into Lower Canada.

Newton to Bathurst. Further inquiry respecting William Cook on behalf of Francis and Sarah Roberts.

Petition of Thomas Cotter, stating his services, his commutation of his pension on the promise of a grant of land and a free passage to Canada, which latter he did not receive, and the renewal of his pension has been refused. Applies to the House of Commons to investigate his case.

March 1,
Quebec.

March 3,
Westmeath.

March 9,
Glasgow.

March 12,
Coxwold.

March 13,
Aberdeen.

March 16,
London.

March 17,
London.

March 23,
London.

March 23,
London.

March 26,
Liverpool.

Apr 12,
London.

April 2,
Devonport.

April 5,
Liverpool.

April 6,
Coxwold.

April 9,
London.

1827.
April 11,
London.

April 12,
London.

April 16,
London.

April 20,
Faisley.

April 20,
Quebec.

April 26,
London.

April 26,
Aughaloe.

May 2,
London.

May 3,
London.

Baillie to——. Had been informed by Dyer, chief clerk at the Admiralty, that he always advised the men not to commute their pensions. That when not allowed to do so several of the men forged certificates that they had received permission to go to Canada. Page 33

McFarlane to Wilmot Horton. Urges that the grant of land asked for be made to Major DuVernet on the ground of his services. 134

Mandelsloh to Bathurst. Applies for certificate of the death of John George Prosy, last heard from in Montreal in 1794. He had two children then, a boy and a girl, and as there is a small sum due him in Wurttemberg, it is requested that information of this be given them. If they are dead that a certificate to that effect be obtained. 136

Memorial from Robert Shaw, senior and junior, respecting property left by Miss or Mrs. Jean Shaw, a near relative. 265

H. W. Ryland to Wilmot Horton. Regrets that he had subjected himself to censure for the letters he wrote to Lord Dalhousie in a moment of excitement. A service of nearly half a century entitles him, he believes, to the favourable consideration of government. Does not deny the power of a governor to revoke an appointment, but it is seldom done without special orders from the Colonial office. Complaints of Dalhousie's course towards him and the attempt to bring a criminal charge against him. 211

Cochran to Ryland, 29th June, 1826. Order to prepare and transmit, with vouchers, a general account of receipts and disbursements of the Jesuit estates from the time of his (Ryland's) appointment to 1st of May last. 215

Ryland to Cochran, 30th June, 1826. Shall prepare the statement required. A similar account to 1st May, 1825, was at his request sent to the Secretary of State. 215

Ryland to Cochran, 5th July, 1826. Sends general account of receipts and expenditure for the Jesuit Estates with 187 acquitted warrants. 217

Cochran to Ryland, 20th January. To return to the office any unpaid warrants on him as treasurer of the Jesuit estates, and also to make a supplementary account of receipts and expenditure. 218

Ryland to Cochran, 22nd January, 1827. Only one warrant remains unpaid which is returned. He will at once prepare the account directed. 218

Account current. 220

Stewart to Ryland. Sends copy of letter from Dalhousie and shall be ready to enter upon the adjustment of the accounts and to receive the balance at his convenience. 221

Cochran to Stewart, 24th January, 1827. Sends Ryland's accounts as treasurer of the Jesuit estates, which must be considered as final up to the period when he (Stewart) was appointed, after which he ought not to have received or paid money on that account. He is to call and settle with Ryland, not allowing the £75 salary, which His Excellency cannot sanction as his office was abolished when he (Stewart) was appointed. 221

Other documents. 222-228

Howe to Wilmot Horton. Has Bathurst come to any decision respecting his father's case? 106

Memorial of Margaret Murphy to obtain information of her husband, Edward Murphy, who was living in Virginia 27 or 28 years ago and has not been heard of since. Applies also to have inquiry made if he died intestate or left a will. 137

Crofton Uniacke to——. Calls attention to memorial and asks if a decision has been come to in his brother's case. 311

Bennet to Seymour. Encloses petition from a distressed individual who has been deprived of his pension. 22

LIBRARY, ARCHIVES
INDIAN AFFAIRS BRANCH

1827.
 May 3, Inn Charles Deane to Wilmot Horton. Has received letter relative to
 Lincoln's Inn grant to the late Captain Deane, and asks that Dalhousie be desired to
 Fields. suspend the escheat. Page 36
- May 4, London. Sewell (Chief Justice ?) to the same. He will embark for Quebec
 on the 15th and will take charge of any letters Mr. Wilmot Horton may
 have to send. Asks for a short interview. 267
- May 5, Quebec. Bishop (Anglican) of Quebec to Bathurst. Proposes that so long as
 government pays Mr. Sewell, minister of the chapel at Quebec, he shall
 act as assistant to the rector. 199
- May 5, Quebec. Same to Wilmot Horton. Hopes that the arrangement in favour of
 Dr. Mills, Secretary of the Royal institution, has taken place. 201
- May 10, London. Seymour to the same. Sends petition of Cotter and asks if he was
 really refused a settlement in Canada. 268
- May 17, Whitehall. Clare to the same. Asks that the governor of Canada be written
 to on behalf of Major Wray to select the most eligible situation for the
 grant of 1,000 acres to which he is entitled. 30
- May 19, Rotherhithe. Logan to the same. Submits for immediate consideration plan for the
terre plaine system of defence for British North America. 116
- May 20, Reigate. Memorial of J. W. Grece, quoting the terms of the reserve in grant of
 land of such parts as may be required for purposes of defence and asks
 for payment of the lands taken from him for building a canal (Green-
 ville). 84
- May 21, London. Chief Justice Sewell to Wilmot Horton. Will embark for Quebec on
 the 28th and take charge of letters for there. Asks for answers to peti-
 tions from the judges of Lower Canada for an increase of salary and from
 the Royal Institution for a loan to erect part of the building for McGill
 College. 270
- May 24. Same to the same. Sends two clauses to enable the Crown to ex-
 change clergy lands in Canada to others equal in quantity and value. 271
- May 25, Rotherhithe. *Enclosed.* Clauses. 272
- May 26, Glasgow. Logan to Wilmot Horton. Transmits book containing the military
 sections of the *terre plaine* system of war and fortifications. 118
- May 28, Northampton. Memorial of Marion Orr, wife of James Mulligan, late sergeant 1st
 Foot, asking for information as to the steps to be taken to recover her
 share of the property which she believes was left her by the late Dr.
 Alexander Wilson. 179
- May 29, Fethard. Dr. Poynter to Wilmot Horton. Transmits copy of bill respecting
 which he would have asked an audience of Goderich, but by the doctor's
 orders he had gone to the country on account of his health. 186
- May 30, London. *Enclosed.* Memorial to Goderich. Enclosing bill to confirm the
 parochial divisions of certain parts of Lower Canada which has passed
 both Houses, and now only waits His Majesty's assent. The inconve-
 niences this bill is intended to remove. 187
- June 1, Clapham. Rev. E. O'Flaherty to Mrs Fitzpatrick. Enclosed in memorial of
 Bridget Fitzpatrick, 1st June, 1827. 289
- June 1, Maryborough. Binning to Wilmot Horton. Is about to move for certain correspon-
 dence in the matter of the Scotch clergy in the Canadas. 23
- June 1, Maryborough. Sales de la Terrière to the same. Proposes that a settlement should
 be made on the Saguenay on the North Shore of the St. Lawrence
 and that the land should be given as a seigniority of 4 or 5 leagues in
 front by 2 leagues in depth. 289
- June 1, Maryborough. Memorial of Bridget Fitzpatrick, asking that means may be used to
 recover for her the property left by her uncle, John Fowles. 54
- June 1, Maryborough. *Enclosed.* Rev. E. O'Flaherty to Mrs. Fitzpatrick. Gives details of how
 her uncle, John Fowles had left his money. 56

1827.
June 5,
London.

Wood to Wilmot Horton. When the bill to authorize the sale of part of the clergy reserves is brought in, thinks that the same statements respecting the state of the Church of England in Canada may be made as those which he read before with pain and regret. Gives an account of the state of the Church of England and of the reserves in Lower Canada. A clergyman from Upper Canada has vindicated the church in that province. The letter enters into details. Page 312

June 7.
Reigate.

Grece to Wilmot Horton. His regret at the refusal to examine the construction to be placed on the reserve in his grant. He must, therefore, have recourse to a court of law. 86

June 8,
Cork.

Todhunter to Goderich. Opposes the repeal of the act for regulating the conveyance of passengers from the United Kingdom to British possessions in North America, giving the reason for his opposition. 295

Enclosed. Note of the necessity of protection for emigrants on board ship. 299

Advertisement showing the misrepresentations as to the tonnage of vessels. 303

Report of a mutiny by the passengers on board the "Pacific," Brown, master, of Limerick. 304

June 8,

Wood to Wilmot Horton. Further respecting the sale of clergy reserves. 319

June 9,
London.

Elizabeth Anne Aubrey to ——. Explains the nature of her memorial and her uncle's services. Is afraid it would have been improper to bring forward in the memorial the names of her uncle's personal friends who had counselled him to send a similar memorial, or to refer to the sentiments of the late Colonial Secretary. Her uncle had forwarded a memorial to nearly the same effect as the present, but its prayer was then refused on the ground of the precedent it would have afforded, leaving it to be understood it would be successful at a future period. The application now made is in accordance with her late uncle's wishes. 3

Enclosed. Memorial from Elizabeth Anne Aubrey states the services of her family and prays for some mark of distinction to her brother George Henry Monk that may remain as a lasting testimonial to the services of her late uncle and father. 5

June 10,
Peckham.

Memorial of Mary Anne Porter, widow of Lieut. John Porter, who had received a pension on her husband's death but is now informed respecting the Voltigeurs in which her husband was an officer, that their widows and children were to receive land on the conclusion of peace. Asks for a report whether herself and children are entitled to land on the St. Francis or elsewhere. 189

June 12,
Aughaloe.

Further memorial from Margaret Murphy respecting her husband Edward Murphy, supposed to be dead, and that his brothers' children are trying to secure fraudulently his property. 139

Enclosed. Certificate of the good conduct and character of Mrs. Murphy. 141

June 14,
Portsmouth.

Chief Justice Sewell to Wilmot Horton. Urges that regulations for the transportation of felons from Canada to the Bermudas be put in force; it would be a much more effectual punishment than death. 276

June 14,
London.

Sinclair to ——. Introduces Gordon, a gentleman from Caithness, who wishes to send one of his sons as a settler to Canada. 275

June 15,
New York.

Ramsay to Wilmot Horton. In consequence of the tedious passage, and being entrusted with a dispatch from Goderich, thinks it his duty to report his arrival and his intention to proceed to Quebec by way of Albany. 231

June 16,
London.

Goulburn to the same. Asks for favourable consideration for the application of Knott to be appointed a schoolmaster in Canada. 87

1827.
June 19,
Cork.

June 23,
London.

June 25,
Marybor.

June 26,
London.

June 30,
Roscrea.

July 2,
London.

July 10,
Paris.

July 10,
Tullamore.

July 16,
Dublin.

July 19,
Downing
Street.

July 21,
Kilmarc.

July 24,
London.

July 25,
Dublin.

July 27,
London.

July 28,
Blackwat
town.

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141
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as be put in
death. 276
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275
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231
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ada. 87

1827.
June 19,
Cork.

Todhunter to Goderich. Refers to previous letter and sends copy of remarks in a newspaper relative to two cases he had mentioned. In the first case the charges against the passengers were untrue or attended with circumstances of excuse or extenuation. In either case there were faults on the other side; the exhaustion of the stores laid in by the passengers in three weeks and the number of passengers on board so small a vessel give cause for considering whether protection should not be given. Page 305

Enclosed. Report of the investigation before the magistrates into the charge against passengers by the "Pacific" and the destitute state of the passengers. (See also 8th June). 307

June 23,
London.

Sheaffe to Goderich. Calls attention to memorial for a grant of land in Canada and sends copies of the correspondence on the subject. 278

June 25,
Maryborough.

Enclosed. Memorial and correspondence. 279 to 288

June 26,
London.

Petition of Bridget Fitzpatrick. Further asking for help to recover property left to her by her uncle. 58

Elizabeth Anne Aubrey to Wilmot Horton. His time being so occupied, this letter to be left till the breaking up of Parliament. She and Mr. Aubrey will proceed to Canada to settle the affairs of her late uncle, Sir James Monk. 13

June 30,
Roscrea.

Atkinson to the same. Asks him to forward the enclosed, which relates to colonial affairs. 15

July 2,
London.

W. A. Robinson to the same. States his services and wounds and applies for the customary grant of land. 232

July 10,
Paris.

Roux to Secretary for the Colonies (in French). Regrets the refusal of government to allow the Seminary to recruit as formerly, the present members being old and infirm. Maintains the position of the Seminary as a legal corporation, which has held possession from 1663. Discusses the position from various points of view. 238

July 10,
Tullamore.

Memorial of Mary Sullivan. Requesting that she may be advised how to make inquiry for her brother who had joined a United States frigate. 293

July 16,
Dublin.

Mrs. Dawson to Goderich. Applies for remuneration for carrying, at the risk of her life, secret dispatches to Prevost during the war of 1812. 40

July 19,
Downing
Street.

Enclosed. Treasury to Mrs. Dawson. Her petition has been transmitted to Goderich. 42

Hay to Mrs. Dawson. Is referred to answers to previous applications. 43

July 21,
Kilmarnock.

Memorial of Widow Thomson for help to enable her to make her claim good on the estate of the late James Thomson who died in Georgia. 308

July 24,
London.

Wood to Wilmot Horton. Reports the destruction of the village of Drummondville, Lower Canada, and the loss of his effects, for which he asks compensation. 322

July 25,
Dublin.

Mrs. Dawson to Hay. Asks that the certificates she sent to the Treasury may be returned. 44

July 27,
London.

Baring Brothers to Wilmot Horton. Sends extract from letter from the president of the Bank of the United States that the bank is desirous to treat direct with the agents of the British government in respect to bills drawn for the public service in Canada. Asks for instructions as to the reply to be sent. 24

Enclosed. Extract from letter of the president of the Bank of the United States. 25

July 28,
Blackwater-
town.

Mrs. Murphy to Colonial Secretary. Asks for advice how she is to proceed to recover the property of her late husband. 142

1827.
August 2, Lambeth. Wilkinson to Wilmot Horton. As he has only the half-pay of a naval lieutenant, he appeals for employment in Canada. Page 323
- August 3, Paris. Roux to the same (in French). Had remained till he could receive the decision of the Colonial Secretary, and had offered if allowed to hold a personal conference with His Lordship. Now renews the proposition. 243
- August 15, Montreal. Account of the Montreal election. Enclosed in——to Wilmot Horton.—October, 1827. 243
- August 24, Paris. Roux to the Colonial Secretary (in French). Not having received an answer to his letter of the 10th July, he must return to Montreal, in terms of Dalhousie's letter. 245
- August 28, Geraldine Cottage. Fitzgerald to ———. Recalls to memory previous applications and trusts that on consideration he may be found entitled to remuneration for his losses. 73
- August 28, Geraldine Cottage. The same to ———. Sends official communication to be placed on the record. His gratitude for the feeling evinced towards him 74
- No date. Speech by Wilmot Horton in explanation of bill to authorize the sale of part of the clergy reserves, in the course of which he stated that the Anglican Bishop of Quebec believed that the act of 1791 authorized payments to ministers of the Church of Scotland out of this fund. 202
- September 1, Geraldine Cottage. Fitzgerald to ———. Reiterates his request for compensation for his losses, during the late war, of property in Georgia, retained by the two sons of his wife, by a previous marriage, who are keeping up the animosity of the Americans towards him, so that they can hold possession of his cotton plantation. The estimate in which his services have been held as a British officer shown in the testimonials transmitted which he asks to be returned. 75
- September 3, London. List of letters returned to Fitzgerald. 78
- September 3, Edwardsburg. Seguier to Wilmot Horton. Applies to have the record obtained of the birth of Marie Francois Massot, born at Quebec in 1749 or 1750. 294
- September 3, Edwardsburg. Memorial of Capt. R. D. Fraser, stating the services of his troop of cavalry and praying for half pay for himself and the other officers. 60
- Enclosed. Warrant, dated 3rd March, 1813, granting power to raise a troop of provincial Light Dragoons. 66
- September 6, Rich Hill. Certificate that the preceding is a true copy. 67
- September 6, Rich Hill. Memorial of Joseph Dickson to be selected as one of the surgeons to be sent to British North America. 45
- September 12, Banbridge. Mulligan to Wilmot Horton. Asks for information as to the disposal of public lands. Wishes for land near a place well situated for trade, the land of good agricultural quality. He does a good deal in the linen trade and wishes to establish a mercantile house. 143
- September 13, Lyon's Inn. Palsgrave to Huskisson. Applies to have Dalhousie's signature to a power of attorney officially identified. 192
- September 18, London. Roux to Wilmot Horton. Asks for the audience he is disposed to grant. 247
- September 21, London. H. C. Buchanan to the same. If the locks on the Rideau Canal are not made wide enough to admit steamers it will be a great mistake. 27
- September 25, London. Robert Owen to——Sends pamphlet. Asks for an interview to discuss the interests of the United States and Great Britain. 181
- September 26, London. Buchanan to Wilmot Horton. His brother, George Buchanan, offers to carry government dispatches for Canada or Washington. 28
- September 27, Westminster. Memorial of Margaret Anne Elliot, stating the services of her father and more remote ancestors, and praying that the land to which her father is entitled may be granted to him without his being personally obliged to apply for it in Canada. 46

1827.
September
London.October
London.October
Quebec.October
London.October
Rathfriland.October
London.

October

November
Reigate.November
Quebec.November
London.November
Solva.November
London.November
Montreal.November
Reigate.November
York.

1827.
September 28, Summary of a conference between Wilmot Horton on the one side
London. and Roux with two other Sulpicians on the other. Page 261
- October 2, Addington to Huskisson. Urges obtaining evidence on the boundary
London. now brought within the pale of arbitration. Sir H. Douglas might be
written to on the subject. 18
- October 4, Bishop (Anglican) Quebec to Wilmot Horton. Calls attention to his
Quebec. (Wilmot Horton's) speech on the clergy reserves, and refers to his (the
Bishop's) letters as a proof that he had never supported the view that
the Church of Scotland was entitled to a share of the clergy reserves. 204
- October 8, Logan to Huskisson. Sends extract from letter of a correspondent in
London. Canada. 119
- Enclosed. Extract from a letter dated Montreal, 18th August, 1827,
describing the critical state of political affairs in Lower Canada. 120
- October 12, Memorial of Rev. William Ashe for a clerical appointment either in
Rathronan. North America or New South Wales. 18
- October 30, Roux to Wilmot Horton (in French). Thanks him for the uprightness
London. with which he reported the conversations. Observations on the different
points raised in respect to the claims of the Seminary. 248
- October —, ——— to the same. Sends a copy of the *Morning Post* containing two
articles on Canada. 145
- Enclosed. *Morning Post*, 8th October, with extract from the *Montreal
Herald*, with an account of the election at Montreal and report of McGill's
speech. 146
- November 1, Remarks by the *Morning Post* with the copy of a private letter. 171
- Reigate. Memorial of J. W. Grece for compensation for his land taken on which
to make a canal. The questions to be settled in the case. Documents
enclosed. 90
- Enclosed. A. W. Cochran to Grece. The Grenville Canal is a military
work for which the Crown is entitled to take such parts of land as may
be necessary. Without admitting his right in strictness of law for com-
pensation, yet Dalhousie is willing to grant such compensation as may
be considered reasonable by persons selected by government and by
him (Grece). 94
- Extracts (A and B). Copied from the King's patent respecting reserves
of land for military purposes, &c. 95
- Other papers respecting the claims. 96 to 98
- November 7, Bishop (Anglican) of Quebec to Stanley. Finding that he (Stanley)
Quebec. had been appointed to a situation which brings the affairs of the diocese
under his official attention, he (the Bishop) desires to bring the situation
of the church before him. Asks for delay to formulate the information.
His chaplain and an intelligent officer from Upper Canada will leave in
January to explain matters. 206
- November 13, Roux to Colonial Secretary. Applies officially for an audience on the
London. subject of the Seminary. 255
- November 14, Memorial of Henry Thomas for the recovery of property left by David
Solva. Jones and his son Joseph. 310
- November 20, Summary of a conference between Roux and Huskisson on the subject
London. of the Seminary of St. Sulpice Montreal. 256
- November 28, Note headed "Food for Republicans" and continues "Sir Francis
Montreal. "Burton can heal these divisions and carry all the King's measures
"which no military man will do." 342
- November 30, Grece to Huskisson. Reiterates his demand for payment for the land
Reigate. taken from him for the construction of a canal. 101
- November 30, John B. Robinson to ———. The claims of Merritt to half pay.
York. Harvey has taken an interest in him. Besides his claims as an officer
are those on account of his exertions towards the construction of the
Welland Canal. 233

1827.	Bishop (Anglican) of Quebec to Huskisson. Is sending by his chaplain, the Rev. Crosbie Margell, the information asked for and representation of the state and present affairs of the diocese. Page 209	
December 13, Quebec.	St. Real to Wilmot Horton. Transmits resolutions passed at a meeting of the electors of the town and suburbs of Quebec, relative to the state of the province.	324
	<i>Enclosed.</i> Resolutions.	325
	Resolution of the same date that Mr. Vallières de St. Real transmit the resolutions to Stanley, Wilmot Horton and Sir James Macintosh.	337
December 15, London.	Roux to Stanley (in French). Has received letter and extract from the instructions to Dalhousie. In consequence, he will go to France to secure priests and especially professors capable of training teachers to succeed them. With these he will set out for Canada, when he receives permission.	258
	<i>Enclosed.</i> Memorandum respecting the Seminary of Montreal.	259
December 18, Montreal.	Freeland to Huskisson. Renews his application respecting the duty on tallow, &c., which almost amounts to a prohibition.	68
	Calculation of the provincial duty.	71
December —, Downing Street.	— to Fitzgerald. Has submitted to Huskisson letter of 1st of September. He takes the same view as his predecessor, and therefore refers him to Bathurst's answer of 12th September, 1821.	81
No date.	Ramsay to Wilmot Horton. Has received official dispatch for Dalhousie.	230
	Stanley to the same. Sees no need for any alteration in the proposed bill except to provide that no district should have a right to representation without a given population. (The number is left blank).	269
	Ramsay to Hay. Is going to Quebec by Liverpool and New York, and would carry dispatches to Dalhousie.	229
	Mrs. Laby to Colonial Secretary sends letter which she asks to be forwarded.	115
	Sir John Johnson to Bathurst. In consequence of the appointment of Darling to succeed Claus, he, Johnson, has been deprived of all control of the affairs of the Indian Department, which he has managed since 1783. Asks His Lordship to consider favourably the enclosed petition.	110
	<i>Enclosed.</i> Memorial stating the services of himself and his father and praying that Major Charles Johnson, his son, may succeed to the office of Superintendent General of Indian affairs.	111
	Petition of Rose and John Gyllin (also written Gyllene and Gillian) for assistance to recover property left them.	99
	Memorial of Daniel Gorman to be secured in the possession of the property left by his brother Edward Gorman.	88
	Memorandum on troubles in Canada.	338
	Inquiries respecting the validity of titles to lands purchased from the Illinois Indians.	21
	Fitzgerald to Wilmot Horton. Further respecting his claim for remuneration for losses.	79

Q. 182—1

Gov. LORD DALHOUSIE, 1828.

1828.
January 25,
Quebec.

Dalhousie to Huskisson (No. 66). Addresses presented by loyal and respectable inhabitants expressing satisfaction with the Executive government and reprobation of the conduct of the Assembly. These addresses are not only from places where government had influence but from Canadian parishes, whose people were led by men of the first rank who had hitherto held back from supporting government. The opposite

1828.

party had not been idle and has been holding meetings and taking means to have their grievances brought before his Majesty's government. Has refrained from interference, but has kept a watchful eye on the latter party who are conducting everything secretly and with the cunning that would be adopted in prosecuting evil designs, so that he has not been able to obtain a copy of the resolutions, their purport being confined to the knowledge of the leaders. It seems decided to send a deputation of several persons with addresses. He has, therefore sent a competent person to act and speak on behalf of government. Sends copies of the addresses presented to him, which speak the sentiments of the English speaking population. If the addresses could be read to the Canadian people in the country, nine-tenths of them would declare them their own, as they are happy and contented, the discontent being stirred up by a small but active and well organised party. The necessity of guarding His Majesty's government against believing that the petitions forwarded by this party contain the real sentiments of the people. How the ignorant classes have been induced to sign. The necessity for active measures; the conciliatory measures of the British government have encouraged the factions, whose boldness has brought on a crisis where the peaceful subjects of His Majesty call for the protecting interference of government. What it is generally thought would furnish a remedy; suggestions for this remedy in different sections.

Page 1

January 26,
Quebec.

Dalhousie to Huskisson. Introduces Mr. Gale, who will give information on all points at issue.

13

January 28,
Quebec.

Enclosed. Copy of the instructions to Gale.
Dalhousie to Huskisson (No. 69). Transmits and recommends memorial from merchants of Quebec.

14

27

January 29,
Quebec.

Enclosed. Memorial respecting the admission of foreign and colonial corn into the United Kingdom.

28

Dalhousie to Huskisson (No. 67). Owing to the objection raised as to the validity of certificates of letters patent of grants being signed by a person acting as secretary without a deputation, he has appointed Louis Montizambert to the office. Hopes that this action will be approved of.

17

January 29,
Quebec.

The same to the same. Explains the charge made against the government in respect to the dismissal of certain officers. The Militia Act in the House of Assembly. The good conduct of the militia, as shown by the General Orders issued, but certain officers had to be dismissed as they were abusing their position.

20

January 30,
Quebec.

Enclosed. General orders.
Dalhousie to Huskisson (No. 69 repeated). The Grenville Canal is nearly completed, but will not be materially useful unless the falls lower down are overcome by two smaller works or Canals.

23-26

34

Enclosed. Du Vernet to Darling. Report on the Chute à Blondeau and Carillon Rapids transmitted.

36

Report.

38

Du Vernet to Darling. The reason for not sending an estimate of the cost of the Chute à Blondeau Canal.

42

Other papers relating to the Canal.

46, 51, 54

February 14,
Quebec.

Dalhousie to Huskisson. Introduces Grant, a member of the bar of Montreal, deputed to represent the clergy of the Church of Scotland in consequence of a letter from Dr. Strachan, of Upper Canada, to Wilmot Horton.

59

February 15,
Quebec.

The same to the same (No. 70). Has received notice of the disallowance of Act to incorporate the Quebec Fire Assurance Company. Why the proclamation to that effect was not issued.

60

1828.
February 19,
Quebec. Dalhousie to Huskisson (No. 71). Transmits application from George Ryland, clerk of the Executive Council, for an increase of salary. Page 62
- February 19,
Quebec. *Enclosed.* Memorial of George H. Ryland. 63
Dalhousie to Huskisson (No. 72). List of prisoners sentenced to death who are to be pardoned on condition of being transported as soon as sufficient authority has been received. 65
- February 23,
Quebec. *Enclosed.* List of prisoners. 67
Dalhousie to Huskisson (No. 73). Transmits letter received from the Lord Bishop of Quebec, recommending that Mr. Sewell, of the Chapel of Ease, be paid from the resources of the province. This was previously objected to by Bathurst, who decided that Sewell should be paid from the Jesuit estates, when their revenues increased. He has derived no advantage from that arrangement, and as it does not appear that he will do so, recommends that the mode recommended by the Bishop to pay the salary of Sewell should be adopted. 68
- Enclosed.* Proposal to erect the chapel. 70
The agreement as to the chapel, stated by Dalhousie to the Chief Justice. 73
Letter from the late Bishop, stating the agreement. 75
The present Bishop (1826) to Bathurst. Confirming the agreement. 76
Bathurst to Dalhousie. Approving of the agreement. 78
Chief Justice to Wilmot Horton. Respecting the chapel of ease. 80
Lord Bishop of Quebec to Dalhousie. Respecting the chapel of ease. 88
- February 26,
Quebec. Dalhousie to Huskisson. Transmits petition from Mrs. Cressé for favourable consideration. The handship of the case of the Cressé family in being charged with quint on a sale of lands which did not take effect. 90
- Enclosed.* Petition from Mrs. Cressé 8th February, 1828. 93
Petition (extract) to the legislature in 1823. 96
- February 26,
Quebec. Dalhousie to Huskisson. Transmits for favourable consideration, memorial from Rev. Dr. Mills. His services and labours. 99
- Enclosed.* Memorial of Rev. Dr. Mills. 101
Dalhousie to Huskisson (No. 76A). Transmits memorial from the Royal Institution for the advancement of learning, asking in the first place for assistance to prosecute the suit for the recovery of the £16,000 left for the erection and endowment of a college, and next for an allowance from the Crown in aid of the University when established, in accordance with a promise alleged to have been made by the late King in 1801. The objection to funds from reserved lands. The bad effects of land reservations on the settlement of the country. Cannot recommend any addition to the reserves. The Lord Bishop of Quebec has made a further suggestion as to the transfer of the Jesuit Estates to the Royal Institution. The correspondence (noted) shows that in 1816 it was directed that these estates should be transferred to the Royal Institution, but this was modified some time after, and in 1819 it was directed that the funds should be applied to the erection of the college. This has not been done, as the corporation cannot get possession of the property devised to them until the suit is decided in the Privy Council. When that occurs it will be for government to decide if the accumulations of the fund, now forming part of Caldwell's liabilities shall be applied to the purpose originally directed. He can see no objection to the control of the Jesuit estates being transferred to the Royal Institution, but this point can only be decided by his Majesty's government. 106
- Enclosed.* Memorial from the Royal Institution. 111

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1828.
March 7,
Quebec.

March 8,
Quebec.

March 20,
Quebec.

March 22,
Quebec.

March 28,
Quebec.

April 5,
Quebec.

April 7,
Quebec.

April 10,
Quebec.

Dalhousie to Huskisson (No. 76B). Received dispatches by December mail and learns that he has been appointed to command in India on Lord Combermere's return. The difficulty of fixing the date of his return on account of the state of affairs in Lower Canada; his honour and reputation do not admit of a hasty departure without the fullest assurance of the approbation of his Sovereign. Names the 1st of September as the most convenient for the arrival of his successor and for his departure. Trusts he does not presume in claiming the honour of a passage for himself and family by a ship of war at the public expense. Page 117

The same to the same. In consequence of the charges brought against him, desires to explain his expressed decision to be ready to sail on the 1st September. He cannot consent to surrender his commission at the time appointed, if there should remain a shadow of doubt as to the correctness of his conduct. 120

Same to the same (No. 77). Sends another address in addition to those already transmitted. It has been presented by the chief justice in name of the Executive Council. How deeply he feels slandered in the petitions sent by the agency of a few seditious persons. Joins with the Council in courting inquiry into every act of his administration. At present Lower Canada possesses the most perfect quiet and tranquillity. 122

List in Dalhousie's letter of the subscribing members to the address. 124

Enclosed. Address from the Executive Council. 125

Dalhousie to Huskisson (private). Learns that it is intended he is to remain in Canada for another winter; the inconvenience this will cause him. The importance he attaches to leaving the province in a ship of war, otherwise it might be asserted that he left under censure. 130

Same to the same. Has received dispatch of 2nd January, to check the rapid and expensive progress of works under By. Had the letter been received three weeks previously, the contracts would not have been settled, but now they have been signed and sealed and beyond the reach of check at this moment, but the expenditure shall be checked in every way possible. The contracts concluded and works which cannot be stopped without involving prosecutions will demand an expenditure of from £80,000 to £100,000. 132

The same to the same (No. 77 repeated). Transmits memorial on behalf of the two surviving daughters of de Salaberry. The eminent services of the father entitle the daughters to favourable consideration. 134

Enclosed. The memorial referred to. 136

Dalhousie to Huskisson (No. 78). Transmits account of the revenue and expenditure of the province for the last three years. As he takes it for granted that the Finance committee of the House of Commons will examine the expenditures made out of the funds of the mother country, he has only given the general heads of the provincial revenue and expenditure, but has attached to it a detailed account of the expenses of the ecclesiastical establishment. 138

Enclosed. The accounts. 140 to 148

Dalhousie to Huskisson (separate). Has received notification of the appointment of Dominic Daly to be secretary and registrar of the province. Will obey the order of appointment, but strongly objects to it for reasons given in detail. 149

Enclosed. Extract from Dalhousie to Wilmot Horton on the proposals with regard to the giving Amyot a pension as having been secretary to the province, the duties of which have been discharged by Montizambert. If Amyot be placed on a pension the situation of provincial secretary, 150

1828.

without salary, ought to be connected with the department of civil secretary and be subordinate to that office. Page 155

Wilmot Horton to Dalhousie in answer to preceding letter respecting Amyot's pension. The patronage of the office is in Bathurst's hands and he might appoint without consulting Dalhousie, but he would not force Young on the government of Canada. 160

April 12,
Quebec.

Dalhousie to Huskisson (No. 79). Has received circular conveying instructions on the mode of granting leave of absence to colonial officers. Had the circumstances connected with Daly's leave of absence been known it would not have been granted by the Secretary of State, Daly not being a public officer but a confidential clerk in his (Dalhousie's) private office. 163

April 12,
Quebec.

The same to the same (No. 80). Transmits memorial from Bethune with letter from the Lord Bishop of Quebec relative to an augmentation of Bethune's salary. 165

Enclosed. Lord Bishop of Montreal. Transmits memorial from Bethune for an augmentation of salary in accordance with a previous promise. 166

Memorial. 168

April 14,
Quebec.

Dalhousie to Huskisson. Acknowledging receipt of various dispatches. 170

April 14,
Quebec.

Same to the same (No. 82). Calls attention to the disturbances at St. Regis on occasion of the festival of Fête Dieu in the month of June last year. His apprehension of a renewal of these disturbances and the necessity that precautions be taken. 172

April 14,
Quebec.

Same to the same. Since closing his dispatches it has occurred to him that he may have an opportunity to state personally the subject of his dispatch. If so, the dispatch may be considered a dead letter, but if he is not to return as solicited, he has no desire to alter his determination. 174

April 23,
Quebec.

The same to the same (No. 83). Has received authority to pay a pension of £50 to the widow of Capt. Livingston of the Indian Department out of funds subject to the King's appropriation. Several pensions are paid to widows out of the extraordinaries of the army, so that the pension to Mrs. Livingston will be charged to the military chest. 175

May 6,
Quebec.

Report of the Executive Council on the claim of the Seminary of Montreal to the seigniories which before the conquest belonged to the Seminary of St. Sulpice, in Paris. 194

May 10,
Quebec.

Dalhousie to Huskisson (No. 84). Has received Treasury warrants for the civil establishment of Lower Canada. The offices of Land Patents and inspector of the King's domain have been omitted. These being long established and necessary offices, never objected to, takes it for granted that the omission has been a mistake and he shall pay the salaries. 176

May 15,
Quebec.

The same to the same (No. 85). Transmits memorial from the merchants of Quebec to the Treasury, praying their Lordships to recall the order to the officers of Customs to require the merchants to pay duties in dollars of full weight or in British silver, as it is impossible to comply with the order in the strict letter. Did not feel authorised to suspend the order, but had allowed the officers of Customs to receive dollars not strictly the full weight, but those could be received passing current for four shillings and four pence sterling. 177

May 31,
Quebec.

Enclosed. Report of a committee of the whole Council respecting payment of duties in dollars at a certain rate. 179

Dalhousie to Huskisson. Transmits petition from the widow of Capt. LaMothe, of the Indian department, for a pension, and strongly recommends her case. 182

Enclosed. D. C. Napier to Darling. Transmits application from widow LaMothe for a pension and recommends that it be granted. 183

nt of civil Page 155 respecting hands and not force 160 conveying al officers. ence been tate, Daly 's) private 163 n Bethune mentation 165 rial from a previous 166 168 dispatches. 170 sturbances month of sturbances 172 a occurred the subject oad letter, his deter- 174 to pay a an Depart- l pensions o that the est. 175 minary of ged to the 194 y warrants nd Patents being long or granted aries. 176 n the mer- recall the y duties in to comply to suspend dollars not current for 177 respecting 179 w of Capt. gly recom- 182 om widow 183	1828. June 3, Quebec. June 18, Quebec. July 1, Quebec. July 1, Quebec. July 3, Quebec. July 4, Quebec. July 6, Quebec. August 14, Quebec. August 15, Quebec.	Petition of widow LaMothe. Report of Executive Council on the report regarding the claims of the Seminary of Montreal referred for reconsideration. Dalhousie to Huskisson (No. 86). Transmits demand for goods for the Indian department for 1829. <i>Enclosed.</i> Return of Indians in Upper and Lower Canada for whom the presents are intended. Estimate of presents. Dalhousie to Huskisson (Confidential). Has caused an exploring survey to be made of the territory near the sources of the River St. John, between the head of the rivers Ouelle and Metgermette falling into the river Chaudière, and now transmits the report and plans. Owing to the short time available, employed three surveyors. Sends copy of the general instructions given them, with copies of specific instructions from the surveyor general. The cost has been £342 10s. paid out of the colonial revenue in the first place, but as the matter is of national importance, takes it for granted that it will form a charge upon the Imperial government. <i>Enclosed.</i> Joseph Bouchette to Cochran. Transmits plans, reports, and journals of the surveyors, with detailed remarks on the reports. Dalhousie to Huskisson (No. 88). Transmits reports of the Executive Council as the best way of conveying their views. Objects to enter into the queries before the arbitrators are appointed as suggested in the report. Thinks these should be left to the arbitrators as leading to preliminary information required by them. The Council apprehend the danger of making a nomination as pledging the government to proceed with the arbitration on a subject so fraught with disadvantage to the Crown and public. The Attorney General is preparing a report on questions of law, but in the meantime there are several difficulties which he may point out. The creation of an arbitration would admit that the Seminary is a corporate body, and its rights could not be impaired by individuals. If the members of the Seminary are dealt with as individuals, they have no right to cede. He is alarmed at the indefinite amount to which the arbitrators would be permitted to go; it might be £5,000 or £10,000 or to £20,000. If the smaller sum were to be accepted whence is it to be derived? Further considerations. Same to the same (No. 89). Dispatches (noted) received. The same to the same (No. 90). Has received authority to grant Bowen an allowance for the abolition of his office. Believes that the allowance of his full salary would not be more than he is entitled to and that he should be allowed to draw for the arrears since 1825. The same to the same. Explains his letters of 7th and 8th March, to have arisen from an anxious desire to set himself right in his (Huskisson's) opinion. He regarded himself as an accused officer to whom an investigation should be granted. He fully expected to have his conduct approved of, had no desire for leave of absence except to defend his character. Expresses his warmest thanks for the manner in which his conduct has been spoken of and the moment a frigate shall arrive he shall prepare to leave. Same to Murray (No. 91). Has received dispatch from Huskisson fixing the Indian establishment. The hardship of the reduction to Sir John Johnson, who so far back as 1791 was promised that the emoluments then settled were to continue for life. The same to the same (No. 92). A pension having been given to a veteran living at Louisbourg who had served under Wolfe, he is encouraged to recommend another, Robert Simpson, an old man of 96 years, utterly destitute, who served in the Fraser Highlanders.	Page 185 200 191 192 193 208 210 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228
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1828.
August 16,
Quebec. Dalhousie to Murray (No. 93). The pension of the widow of the late Captain Livingston of the Indian department will be paid by the Receiver General. Page 230
- August 30,
Quebec. The same to the same (No. 95). Brings before him the complaint of the Trinity House, that the masters of transports do not pay the pilotage and tonnage duties. Asks him (Murray) to take measures to secure payment. 235
- August 30,
Quebec. The same to the same (No. 96). Sends application from the Chief Justice of Montreal for an allowance for attending the Court of Appeal at Quebec. 236
- August 30,
Quebec. Enclosed. Application by Chief Justice Reid. 237
- August 30,
Quebec. Dalhousie to Murray. On the report of the Executive Council, recommends that the Receiver General should be allowed to charge the amount expended by him for stationery; an additional sum of £25 a year should be allowed him for interest for building a vault and an additional sum of £100 a year for a clerk. 231
- Report of the Executive Council on these allowances. 233

Gov. LORD DALHOUSIE, 1828.

Q. 182-2.

1822.
November 12.
Carlton House Mandamus to Burton to be appointed to the Legislative Council. Page 328
1826.
October 17.
Downing Street. Wilmot Horton to Dalhousie. Felton will explain the inconceivable difficulties in respect to the deficit. The undesirableness of asking for a vote from Parliament in the present year of difficulty. How the payment may be managed. 323
- November 1,
Brighton. Same to the same. (Secret and confidential). In consequence of a conversation with the Chancellor of the Exchequer, he feels justified in stating that every economy must be adopted in the province. 326
1827.
January 20,
Quebec. Chief Justice Reid to Cochran.
- February 16,
Quebec. Cochran to Reid.
- June 13,
Quebec. The same to the same.
- September 8,
Quebec. Legal opinion of Stuart and Black.
1828.
April —,
Quebec. Petition from the Minister and trustees of St. Andrews Church Quebec.
- June 23,
Quebec. Opinion of Attorney General.
- August 5,
Haliburton to Dalhousie.
- August 21,
Montreal. Memorial of Chief Justice Reid.
A letter of same date follows.
- August 25,
Quebec. Memorial of Thomas Coffin.
- September 5,
Quebec. Report on the Jesuit Estates.
- September 6,
Quebec. Cochran to Harkness. This and the preceding documents enclosed in Dalhousie to Murray, 10th November, 1828.

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1828.
September 6,
Quebec.

Dalhousie to Murray (No. 97). Transmits proceedings of Executive Council on matters of State. Page 240

September 6,
Quebec.

The same to the same (No. 98). In order to get the information required by Bathurst in circular of 11th September, 1826, it was necessary to send the Surveyor General through the province to make inquiries. Recommends that he should be paid a sum not exceeding £500 currency. He was engaged from the beginning of August till March last, when he presented a detailed and voluminous report with tabular returns which have been forwarded with the others. In Nova Scotia the sheriffs get £100 each for collecting the information for the returns, which would amount to more than double the sum recommended for Bouchette. 241

September 6,
Quebec.

Same to the same (No. 99). In accordance with instructions he has taken measures to sell a portion of the clergy reserves. Has received a report from the Executive Council to which the matter is referred. The Council does not state objections to the employment of Felton as agent, in concert with the corporation for managing the clergy reserves. He has been furnished with a copy of the Council's report and is now proceeding to the execution of the duty. 243

Enclosed. Report by the Executive Council on the sale of clergy reserves. 244

September 6,
Quebec.

Dalhousie to Murray (No. 100). Reports that the claim of Wilson on the government garden is not tenable. An improvident grant was made by General Murray in 1766 to Holland, then Surveyor General, from whom Wilson bought one fifth. Even if Murray did not exceed his powers, there is a clause in the grant which deprives Holland and his assigns of all claims. 249

September 6,
Quebec.

The same to the same (No. 101). Encloses report from Executive Council recommending a grant of 3,000 acres to Colonel Heriot. If he had authority to grant more than 1,200 acres he would have made the grant recommended as it is not more than Heriot merits. Recommends his case for favourable consideration. 252

Enclosed. Report. 253

September 6,
Quebec.

Dalhousie to Murray (No. 102). Sends report from the Executive Council, recommending that the salary of the chairman of quarter sessions at Gaspé be £250 currency per annum. The importance of the office. Had recommended that the office of lieutenant governor of Gaspé should be transferred under the denomination of superintendent of fisheries to Crawford, but as there had been difficulties in the proposed arrangement, he had appointed Crawford chairman of the quarter sessions of the district. The necessity for the appointment. To assist at the quarter sessions a professional gentleman was sent from Quebec, but that was found inconvenient, and of uncertain benefit. The appointment of Crawford gives the district the same advantages as the others. Thinks the payment of the £250 will be authorised. Has paid Crawford's salary to the 30th June. 255

Enclosed. Report of the Executive Council on the chairmanship of the quarter sessions of Gaspé. 258

September 6,
Quebec.

Dalhousie to Murray (No. 103). The Literary and Historical Society of Quebec are desirous to have a charter of incorporation. Sends attorney general's draught of an instrument, for this purpose. Asks that His Majesty's warrant may issue for the purpose. The spirit of inquiry awakened by the society, which deserves a charter on this account. 259

Enclosed. Proposed charter. 261

September 6,
Quebec.

Dalhousie to Murray (No. 104). Transmits reports of the Executive Council recommending increased rates of fees on patents of lands to the attorney general, surveyor general and secretary of the province. They only refer to gratuitous grants but he desires to bring forward

1828.

the general question of fees. Had referred to Council the question of abolishing fees on sales of land and the establishment of a fixed compensation. Asks for instructions on the question. Page 274

Enclosed. Report of the Executive Council on the amount of fees to be charged on the purchase of Crown lands and on applications for an increase to fees. 276 to 279

September 6,
Quebec.

Dalhousie to Murray (No. 105). Transmits returns for 1827 of the revenue, expenditure and establishment of the province. 280

September 6,
Quebec.

The same to the same (No. 106). Dispatches (noted) received. 281

September 6,
Quebec.

Petition of the minister and trustees of St. Andrews Church, Quebec, to Murray.

September 6,
Quebec.

Petition from the minister and trustees of St. Andrews Church, Quebec to Dalhousie. Both enclosed in Dalhousie to Murray, 10th November, 1828.

September 6,
Quebec.

Dalhousie to Murray (No. 107). Dispatch from Huskisson with complaint from Mondelet received. Huskisson limits inquiry to the reason why Mondelet and his son were deprived of their commissions in the militia. A few lines would have answered that, but he desires to answer other points in Mondelet's voluminous pages. Answers in detail the charges brought by Mondelet, which are five in number. (1) His removal from the situation of chairman of quarter sessions at Montreal. (2) His complaint that his office of coroner is his only remaining reward of long services. (3) The office of King's Notary is of considerable importance from which Mondelet was removed after long forbearance. (4) Having been appointed commissioner to make up the land roll his charges against the *censitaires* were so exorbitant that they sued him and the charges were reduced one half. (5) The commissions of himself and his son were cancelled on being satisfied that they were making false reports and returns of their inspections, besides circulating doubts as to the existence of a militia law. 284

Enclosed. Memorial from Thomas McCord and J. M. Mondelet, praying that Gale may be associated with them in the quarter sessions of Montreal. 291

September 6,
Quebec.

Dalhousie to Murray (No. 108). Has received authority to suspend Dominick Daly from the office of Secretary and Registrar of the Province. The inconvenience of suspending him at the moment of his (Dalhousie's) departure and the beginning of a new administration. 295

September 8.

Affidavit by Harkness. Enclosed in Dalhousie to Murray, 10th November, 1828.

October 23,
London.

Dalhousie to Murray. Had reported his return and now writes on the affairs of Canada in so far as they have been discussed before a committee of the Commons. His astonishment at the report. Conceives it his duty to give a caution in respect to the incorrect statements made in evidence and the erroneous views taken by the committee. The statements made by Viger, Neilson and Cuvillier are utterly false, in fact, and are deeply and cunningly perverted from the true and real circumstances existing in Lower Canada. These statements have been adopted by the committee without hearing the other side; and uncontradicted must mislead as to any measures to be adopted towards that colony. What is said of himself is of less consequence, but as it affects his character and reputation he is entitled to an investigation which he is ready to meet in any shape. 296

October 25,
London.

Same to Hay. Gives a detailed explanation of the causes of the dismissal of Malhiot and other officers of militia. 300

October 25,
London.

The same to the same (private). Sends for his early information, copies of reports on the subject of the *Seminaire*. The legal opinion of the attorney general will certainly be received before Christmas and

1828.

- October 25, London. with dispatches, &c., will show the opinion on the subject of the Executive Council and himself. Page 304
- October 25, London. Dalhousie to Hay. Sends notes on the papers sent him which may be copied, but he wishes the notes returned. 305
- October 25, London. *Enclosed.* Rough notes on the government of Canada. 306
- October 25, London. Dalhousie to Murray. In reference to dispatch of 10th April respecting the appointment of Dominick Daly, presents memorial from Montizambert, feeling the severity and injustice with which he had been treated. Recommends that he be restored to his office. 313
- October 25, London. *Enclosed.* Memorial from Montizambert late secretary and registrar of the province of Lower Canada. 314
- October 25, London. Dalhousie to Hay. Encloses dispatch of same date as that containing his objections to Daly, who should not be suspended but dismissed and a mandamus sent to Montizambert. 318
- October 25, London. Same to Murray. Warm eulogy of A. W. Cochran. Urges his appointment to the Executive Council as a mark of distinction; is joined in the recommendation by his (Dalhousie's) successor, Sir James Kempt. 319
- October 27, London. The same to the same. Returns two dispatches marked "most secret and confidential," which he did not think proper to deliver to his successor. Returns also mandamus in favour of Burton for a seat in the Legislative Assembly (Council). 322
- October 27, London. Same to the same. Brings forward and recommends the claims of the family of Sir John Johnson. 330
- October 27, London. Same to the same. Sends papers relating to the Indian Department which can be explained when Darling is sent for. 331
- October 27, London. *Enclosed.* Report by Darling of the Indian Department with an account of the different tribes. 332
- October 27, London. Instructions to Darling to inquire into the exact state of the Indian Department. 378
- November 10, Coalstown House. Schedule of equipments issued to Indians. 382 to 390
- November 10, Coalstown House. Dalhousie to Murray. Recommends the claims of Bishop Macdonell to favourable consideration. Transmits his letter. 406
- November 10, Coalstown House. The same to the same. Transmits papers from Chief Justice Reid. Refers to previous dispatches on the subject of his application. 407
- November 10, Coalstown House. *Enclosed.* Petition by Chief Justice Reid for an increase of salary with the reasons for the application. 412
- November 10, Coalstown House. Reid to Dalhousie. Reminding His Lordship of the previous application for an increase. 413
- November 10, Coalstown House. Cochran to Reid. Dalhousie has had a dispatch from Bathurst stating that the deficiency in the funds at the disposal of the Crown obliges him to defer complying with application for an increase. 416
- November 10, Coalstown House. Reid to Cochran. Applies for an allowance for attending the court of appeal. 417
- November 10, Coalstown House. Cochran to Reid. Dalhousie finds it necessary to transmit the application to Bathurst. 418
- November 10, Coalstown House. Dalhousie to Murray. The office of Surveyor of Woods not being adapted to the purpose for which it was intended, will no doubt come before him for consideration. Sends a letter from Mr. Robert Sheriff on the subject, he having had long experience. 391
- November 10, Coalstown House. *Enclosed.* Memorial of Robert Sheriff on the timber trade. 392
- November 10, Coalstown House. Dalhousie to Murray. The difficulties experienced by St. Andrew's church towards appointing trustees. The attorney general reports that a charter cannot be granted without permission. The petition is sent asking that liberty may be given to the Governor to grant a charter. 419

1828.

- Enclosed.* Petition to Dalhousie from the minister and trustees of St. Andrew's church, Quebec. Page 421
- Petition from the same to Murray. 423
- Legal opinion on the question. 429
- Second petition from the ministers and trustees of St. Andrew's church to Dalhousie. 435
- Attorney General's opinion. 440
- Cochran to Harkness. The question has been submitted to the Attorney General, by whose opinion the Governor must be guided. 442
- Affidavit of Rev. James Harkness, minister of St. Andrew's church, Quebec. 443
- Other papers. 448, 449
- November 10, Dalhousie to Murray. Recommends, not as Governor, but as having retired from that office, Judge Haliburton, for whose abilities and principles he entertains the highest opinion. 450
- Coalstown House. *Enclosed.* Memorial of Judge Haliburton to be appointed Chief Justice when a vacancy shall occur. 451
- November 10, Dalhousie to Murray. Transmits report from Stewart, commissioner for the Jesuit estates. His upright integrity and ability. 453
- Coalstown House. *Enclosed.* Report on the Jesuit estates. 455
- Schedule of the estates. 458
- November 10, Dalhousie to Murray. Although the claims of Rev. Dr. Mills have been already frequently brought forward yet, thinks from the hardship of the case that he should again urge them. 459
- Coalstown House. The same to the same. Coffin merits a more suitable salary than is now attached to the office of chairman of Quarter Sessions. 460
- November 10, *Enclosed.* Memorial of Thomas Coffin. 461
- Coalstown House. Dalhousie to Murray. Has received papers from the War Office and Treasury, objecting to a charge of £50 to his aide-de camp on his being sent home with dispatches. From what source should this amount be drawn. There are no instructions on the point. 464
- December 15, The same to Hay. Is at a loss how to advise about the Magdalen Islands which have become the refuge of marauders of all kinds. 466
- Coalstown House. The same to the same. Sends a large packet of official letters which he was prevented from sending before, owing to being confined so long to the sofa. 468
- December 20, *Enclosed.* Memoire on the political state of Lower Canada, in the beginning of 1828. 469
- Coalstown House.

GOV. LORD DALHOUSIE AND JAMES KEMPT, 1828.

Q-183-1.

1824. Cochran to Hale. Enclosed in Kempt to Murray, 30th November, 1828.
- May 27, Quebec.
1828. Kempt to Huskisson. His appointment to be chairman of the commission respecting the Rideau Canal. His arrival and meeting the other commissioners. No instructions received, but those to Col. Fanshawe acted upon. Careful examination of the plans, etc., made on the spot. Report sent. Page 1
- June 28, Kingston. *Enclosed.* Report of the commission on the Rideau Canal. 6
- The Commissioners to By. 23
- By to Commissioners and other papers, instructions, etc. 30 to 44
- July 3, Kempt to Dalhousie. Enclosed in Kempt to Huskisson, 6th July. Also recommendation of the 5th, which follows.
- Montreal.

1828.
July 5,
Quebec.
July 6,
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July 5,
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Quebec.July 6,
Quebec.September 16,
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Quebec.September 6,
Quebec.October 6,
Quebec.October 12,
Quebec.October 18,
Quebec.October 26,
Quebec.October 27,
Quebec.

Dalhousie to Mr. Justice Kerr. Enclosed in Kempt to Murray, 25th November, 1828.

Kempt to Huskisson. Transmits copies of letters to Dalhousie, respecting the Rideau navigation.

Enclosed. Kempt to Dalhousie. Reports the proceedings of the commission under the instructions of Fanshawe in reference to the Rideau navigation.

Kempt to Dalhousie. Additional report respecting the Rideau navigation.

Kempt to Huskisson. Has received notice of his appointment to be governor of the British provinces in North America. If there should be disappointment in regard to his services it would not be from want of exertion on his part. The restoration of peace and honour cannot be effected except by the intervention of the British Parliament. It is, therefore, a great comfort to know that the question is under consideration by a committee of the House of Commons, and he hopes to receive ample instruction for his guidance. The duties of governors-in-chief are confined to the administration of Lower Canada; he has no authority over the Lieut. Governors of the other provinces. The office in fact is one of little greater importance and value than the civil government of Nova Scotia, which he held. He was, therefore, little desirous of a change of government, especially on account of his health.

Same to Murray. Left Halifax on the 23rd ultimo, arrived at Quebec on the 1st instant, next day received dispatch of 12th July. Dalhousie proposes to leave on the 8th, when he shall take on himself the administration of the government under the temporary commission transmitted, but hopes to receive detailed instructions before calling together the provincial parliament which was prorogued by Dalhousie in November last.

The same to the same. Introduces Darling, who it was arranged by Dalhousie, should go to London to present his report on the Indian department.

Same to the same. Dalhousie sailed on the 8th. Dispatches since received, which he has opened, sending to Dalhousie copy of the dispatch respecting the charges against his administration.

The same to the same (No 1). Has received dispatch to transfer the islands in the St. Lawrence and the Lakes which have been decided to belong to the United States and to receive those adjudged to belong to Great Britain. Orders sent accordingly.

The same to the same (No. 2). The arbitrators have decided that Upper Canada is entitled for four years to receive one fourth of the duties collected on imports by sea from Lower Canada. Question of an allowance to Maitland. Copy of report enclosed.

Enclosed. Copy of award.

Report of the arbitrator for Lower Canada.

Kempt to Murray. Sends requisition for stationery for the civil department of Lower Canada.

Enclosed. Requisition.

Kempt to Murray. The inconvenience caused by the non-transmission of an Act of the Imperial Parliament relating to the customs. The case of the merchants of Montreal representing that duty has been charged by the provincial customs officers on cattle from the United States admitted free by the Imperial Act.

Enclosed. Opinion of the attorney general on the admission duty free of live cattle from the United States.

Kempt to Murray (No. 4). Reports the claims of Hale and Cuthbert for arrears due to them of salaries as members of the Executive Council.

1828.
October 29,
Quebec.

Kempt to Murray (No. 5). Dispatches received.

Page 96

October 30,
Quebec.

The same to the same (No. 6). In obedience to instructions sends abstract of the general return of the Militia for 1827, comprising the entire male population above 16. It is a respectable body on paper, but most inefficient in a military sense, except a few volunteer companies in Quebec and Montreal. Not one of the regiments is supplied with arms and accoutrements. Shall endeavour to have a law passed for the safe keeping of those sent. 99

Enclosed. Abstract. 102

October 31,
Quebec.

Kempt to Murray (No. 7). In reference to the memorial of Mrs. Cressé for remission of the *droit de quint*, cannot find an instance of such remission, but finds instances of the demands for *lods et ventes* having been remitted under peculiar circumstances by the authority of the governor, the only proceeding being a notice to the Receiver General. The case of Mrs. Cressé is one of great hardship and is explained in the documents forwarded. 104

Enclosed. Statement respecting Mrs. Cressé's petition. 107

Report of the committee to whom was referred the petition of Mrs. Cressé. 110

November 3,
Quebec.

Kempt to Murray (No. 8). The extraordinary circumstances under which the legislature was prorogued last November made him anxious to postpone it as long as possible, but he could not delay the meeting beyond the 21st of November. His embarrassment if he does not receive instructions. The Assembly will persist in electing Papineau to be speaker. This would compel him to prorogue without a session, as he could not without positive instructions give up a prerogative of the Crown. How the matter might be compromised. If he has no instructions, he will endeavour to find out what are the real intentions of the House of Assembly, so that he may be prepared to act. The embarrassing nature of the situation. 112

November 6,
Quebec.

Same to the same (No. 9). There seems to be a misapprehension as to the payment of the pension to the two Misses de Salaberry, as their father was paid £200 a year voted to him by the provincial legislature in lieu of his sinecure office, but as that ceased with his life there are no funds from which to pay his daughters. Doubts if the Assembly would vote the amount, but the Treasury might sanction payment from funds within the colony at His Majesty's disposal. 116

November 7,
Quebec.

Same to the same (No. 10). Has been requested by memorial from Capt. Poyart to grant him 600 or 800 acres of land, being prevented by regulations from making the grant, transmits the memorial. 119

Enclosed Memorial of Capt. Poyart. 121

November 8,
Quebec.

Kempt to Murray (No. 11). Sends memorial of the judges; cannot report fully on the merits of the case, but believing that they desire to have the judiciary removed from the influence of the Crown or the people, he transmits memorial. 127

Enclosed. Memorial of the judges. 129

Certificate by the prothonotary of the number of suits entered in the King's Bench Lower Canada in matters above £10 sterling, from 1810 to 1828, and for inferior sums from 1815. 137

Return from Robert Green, clerk of the Crown, of criminal prosecutions from 1763 to 1828. 140

Return of the number of suits from the district of Montreal from 1810 to 1828, above £10. 142

Return of the same below £10. 143

November 15,
Quebec.

Kempt to Murray. Dispatches received. It is a comfort to have instructions before the beginning of the meeting of the Assembly. 145

Page 96	1828.	Kempt to Murray. Transmits memorial from Messrs. Robin. They consider articles imported for the fisheries should be entered free of duty. Sends also report from the Attorney General which is unfavourable to the claim. The importance of the question to all engaged in the fisheries.	Page 147
ons sends	November 15, Quebec.	<i>Enclosed.</i> Memorial from Messrs. Robin.	150
rising the		Report on the memorial by the attorney general.	159
paper, but		Collector and comptroller of customs, Quebec. Messrs. Robin might be allowed the indulgence of taking out goods for the fisheries without paying duty, giving bond for the payment of the amount.	163
panies in		Stayner to Couper. Enclosed in Kempt to Murray, 29th November, 1819.	167
with arms	November 19, Quebec.	Kempt to Murray (separate). Opened the session of the provincial parliament yesterday. Sends copy of speech.	166
or the safe	November 22, Quebec.	<i>Enclosed.</i> Speech.	167
99		Kempt to Murray (confidential). Reports the discussion with Papi-neau on the election of speaker and the compromise effected.	172
102		<i>Enclosed.</i> Forms observed at the opening of the legislature in 1825 and 1828.	179
Mrs. Cressé	November 23, Quebec.	Kempt to Murray (No. 13). Dispatches received. Financial returns ordered to be sent, which shall be corrected and transmitted as soon as possible. With regard to the other returns, the blue book cannot be sent by the beginning of the year, as the return of imports and exports is not made up till the 5th January, and some delay must be allowed for in collecting the returns from outports.	183
e of such	November 24, Quebec.	The same to the same (No. 14). Has received dispatch that the Emperor of Brazil intended to send Irish emigrants to Canada. As they had not arrived, presumes they went to Nova Scotia or New Brunswick.	185
tes having		Same to the same (No. 15). Dispatches received.	186
the gover- neral. The	November 25, Quebec.	Same to the same (No. 16). Transmits memorial from Judge Kerr for £200 salary as member of the Board of Audit of public accounts. Transmits also memorial from widow Duchesnay for £200 due her late husband for the same reason. Whatever may be the labours of these gentlemen, no appropriation was ever made for payment of a salary; the claim was formerly made and refused.	187
in the do- 104		<i>Enclosed.</i> Memorial of Mr. Justice Kerr.	189
107		Memorial of widow Juchereau Duchesnay.	197
on of Mrs.		Dalhousie to Kerr. Refusing his application for salary.	200
110	November 26, Quebec.	Kempt to Murray (No. 13 repeated). Has received and complied with instructions to pay Mrs. La Motte a pension equal to what she would have received if her husband had held his commission in the regular army.	201
nces under	November 28, Quebec.	The same to the same (separate). Sends copies of the addresses in reply to the speech from the Throne.	219
m anxious		<i>Enclosed.</i> Address from the Legislative Council.	220
e meeting		Reply.	224
not receive		Address from the Legislative Assembly.	225
neau to be		Reply.	233
ssion, as he	November 28, Quebec.	Kempt to Murray (No. 17). Had received dispatches with instructions. Had transmitted account of the opening of the session with copies of his speech. Sends copies of his message to both Houses on the subject of the communications from the Imperial government. The estimate of the revenue at the disposal of the Crown has been filled up to £38,100 sterling, including the duties levied under 41 George III. Cap. 13, 14, which produced no revenue till within the last two years. The message also contained a literal copy of the dispatch. He did not	
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1828.

think it prudent to revert to topics on which information was asked, as the discussion of them would answer no good purpose. These topics are: "the mutation of tenures," "the Jesuits estates," "the constitution of the Legislative and Executive Councils," "the clergy reserves," and "the representation of the townships." Page 202

Enclosed. Message to the legislature. 206

November 29,
Quebec.

Kempt to Murray (No. 18). Transmits representation from Stayner on the state of the Grand Portage between the St. Lawrence and Lake Temiscouata and the necessity for assistance to certain settlers on it. The road is the only land communication between Canada, New Brunswick and Nova Scotia; it is very bad, and the country such as no settler can maintain himself on, nor be induced to remain without public assistance. Yet without the labours of settlers the roads would be impracticable in winter and the couriers perish but for the shelter of their huts. In 1814 and 1815, twenty-two soldiers of the 10th Royal Veteran battalion were settled there with their families and received rations till 1819. When they were discontinued 15 of the 22 families abandoned the place and the seven only remained, when the rations were restored, which continued till 1826, since which time the settlers have been deserting their habitations. Suggests that six or seven pensioners should be established on the road, with rations granted expressly on the condition that they keep the road open for the mails and to provide accommodation for the couriers. 235

Enclosed. Stayner to Couper. The condition of the Grand Portage between the St. Lawrence and Lake Temiscouata and the state of the settlers. 239

November 30,
Quebec.

Kempt to Murray (No. 19). Has received dispatch that Hale would be appointed Receiver General, if he complied with the conditions as to security, &c. He had proposed the names of Earl Amherst and Lord Dundas as his securities, but the prescribed regulations had never been shown to him by Dalhousie. For the safe keeping of the money in his charge, Hale has constructed a vault. As it would be manifestly unfair to make his appointment dependent on the fulfilment of conditions never made known to him, it is to be hoped that on the securities being approved of, the Treasury will confirm him in his office and also confirm the salary of £1,000 which he has already received by authority of Dalhousie and for the last two years by warrant from the Treasury. 243

Enclosed. Hale to Yorke. Has received copy of dispatch; repeats the offer of Earl Amherst and Lord Dundas as his securities; trusts the Treasury will confirm the increase of salary to £1,000. Asks that conditions never shown him may not affect his appointment. The whole balance in his possession is now in the vaults and it would be a satisfaction to show the governor how it is secured. Thinks the expenditure gives a fair claim to compensation. 247

Cochran to Hale. Calls on Hale for the usual security as Receiver General. His salary is to be £1,000 a year till His Majesty's pleasure be known. 251

December 1,
Quebec.

Kempt to Murray (No. 20). Transmits memorial from the widow of d'Eschamber's praying for a pension. Her husband's services; recommends that pension be granted. 253

Enclosed. Memorial. 255

December 2,
Quebec.

Kempt to Murray (No. 21). Reports that numerous applications for grants of land are made by persons who served in the embodied militia. Grants were to be made to persons of this class to the 1st of May, 1823, afterwards extended for a year. Asks if the applicants may get grants. Suggests that on satisfactory proof of having served in the Militia being made, grants of land be again offered for a limited time. 259

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1828.
December 2,
Quebec.

Kempt to Murray (No. 22). Transmits memorial from the widow of William Claus for a pension, and as hopes were held out on a previous memorial of a favourable reply, recommends that the pension be granted. Page 261

December 3,
Quebec.

Enclosed. Memorial from the widow of William Claus. 262
Kempt to Murray (No. 23). Sends return of three prisoners sentenced to death, pardoned on condition of being transported for life. Asks for order to the superintendent at Bermuda to receive them on board a convict ship. 264

December 13,
Quebec.

Enclosed. Return. 265
Kempt to Murray (No. 24). Had reported sending message to the legislature on the subject of the provincial revenue. Has received acknowledgment and an address with resolutions. Had been in hopes that the Assembly would have acceded to the arrangement suggested, but it will be seen that it denies the right of the Crown to appropriate through the Treasury duties levied in the province without its direct superintendence and control. Does not venture any opinion on the subject, which has engaged the attention of the highest judicial authority, and has no doubt His Majesty's ministers will take proper steps in respect to the measure. Asks for instructions as to the mode and manner of his accepting the sums required to defray the expenses of government. Understands that the appropriation bill accepted by Burton in 1825 will be offered, but that was considered by Bathurst to compromise the rights of the Crown, so that he would not consider himself authorised to accept it. 266

December 13,
Quebec.

Enclosed. Address. 270
Resolutions. 272
Kempt to Hay. (Private and confidential). Proceedings are interesting; keeps Murray informed of them. Now sends resolutions which the Assembly has asked him to transmit, which he is sure will be read with great regret as the Assembly insists on rights which the highest law authorities declare do not belong to it, and further that any interference of the Imperial parliament would only aggravate the differences. 281

December 18,
Quebec.

Kempt to Murray (No. 25). Had received *memoire* from Henry, a lawyer, of Montreal, throwing doubt on the validity of the commission under which Judge Pyke sat as puisne judge. Transmitted to the Executive Council the *memoire* and papers from Judge Pyke to report the best course to be pursued and called on the attorney general for his opinion. Sends copies of the reports and of other papers. Explains the nature of the appointment and has issued a new commission. 283

Enclosed. *Memoire* concernant la commission de M. le juge Pyke. 289

GOV. LORD DALHOUSIE AND SIR JAMES KEMPT, 1828.

Q. 183-2.

1828.

(Continuation of the case of Judge Pyke. Papers transmitted in dispatch of 18th December, 1828).

Statement of his case by Judge Pyke. 295
Report by the Executive Council on the *memoire* by Henry. 307
Second report. 308
Report of the attorney general. 309
Copy of commission to Pyke. 316
December 22,
Quebec. Kempt to Murray (No. 26). The troops were withdrawn from Drummond Island on the 4th November, and it has been transferred to the

1828.

United States authorities. The troops with presents, commissariat stores, &c., have been removed to Penetanguishene, where Commodore Barrie has afforded them temporary accommodation. Sir J. Carmichael Smyth recommended in 1825 the establishment of a military post at Penetanguishene; concurs in the propriety of the measure, as the Americans are trying to strengthen themselves from Sault Ste. Marie to Detroit. Commodore Barrie and Captain Bayfield think it the best naval situation on the lake, and is a good military position to defend the rear of Upper Canada. Recommends that a military post should be established at Penetanguishene and a small fortified barrack, at all events buildings of some kind are necessary, as the Indians who received their presents at Drummond Island have been directed to come to Penetanguishene.

Page 319

December 27,
Quebec.

Kempt to Murray (private and confidential). Although nothing important has taken place in the legislature since the resolutions passed, yet he believes the Assembly will grant the sum in aid of the Crown revenues necessary to meet the expenses of the civil government, provided the different branches of the legislature can agree on the form of the appropriation bill. The resolutions, although passed unanimously were the work of Neilson and Cuvillier and the 3rd and 4th express rights, Papineau said, which the Assembly always held as belonging to it, which even Stephen admitted. Discussion with Papineau on the point. Order given by the Assembly to print 400 copies of the report and minutes of evidence before the select committee of the House of Commons for the members and their constituents. The Legislative Council has appointed a committee to take that report into consideration. Many of the members of Council are mortified at the censure which they believe, has been cast on them by the report and feel that in their contest with the House of Assembly they have been actuated by principles and not mere forms. This is the substance of the report drawn up by the committee, but it has not yet been discussed in the Council; hopes that no steps will be taken on it, as he considers the proceedings in both cases premature, the report of the imperial committee not being yet adopted nor even discussed in the House of Commons. There is greater cordiality between the Council and the Assembly than formerly. A bill has been introduced into the Assembly for the appointment of an agent in London, but it has only been read a first time, and the speaker does not think it will go farther "until they hear from their friends in England; if the Colonial Minister continues to be as well disposed towards us as he now appears to be, the House of Assembly will be inclined, I believe, to name some member of the British House of Commons to be the agent for the province; but should any change have taken place in the sentiments of His Majesty's government, unfavourable to our views, the Assembly will probably in that case rather wish to send home a gentleman from this country in the first instance." Committee of grievances appointed and complaints sent in, but no report has yet issued nor can he learn the nature of its proceedings. Some members who had been dismissed from the militia were very violent at first, but they are calming down. To those who demand an investigation he answers that he cannot interfere with the acts of the late administration. Is trying to steer clear of all parties and to conciliate all, but it is difficult to manage this where party spirit has so long prevailed. Time and patience can alone effect a radical cure of the evil, but no effectual reform can take place till the financial disputes are settled. The difficulty of obtaining information as no two persons entertain the same views. It will be impossible for him to give information necessary until he has been twelve months in the administration and visited the townships and different parts of the province. In the discussion of local

1828.

December
Quebec.

1828.

December 30,
Quebec.

expenditures, wide differences prevail, but whatever the expenditure is for general purposes the House is led by some influential members, all French Canadian, except Neilson. The whole object of Colonial Assemblies seems to be, to get all power into their own hands and this is the source of nearly all the quarrels, the Assemblies generally imputing improper motives to the other branches. Opinion of Stephen as to the failure to appoint means for carrying on a monarchical government. Agrees with him and believes that if the popular branch is determined to obtain power it will succeed, a fact which none knew better than those who drew up the resolutions. The mass of business before both Houses. The estimates for the expenses of the civil government will be submitted early next month; hopes to obtain in a constitutional manner the aid required. Begs that this will be treated as a confidential communication as he knows the mischief caused by persons obtaining access to private communications from governors.

Page 323

Kempt to Murray (No. 27). Transmits report of the attorney general on legal points concerning the Seminary of Montreal. The report may be considered an important document, and properly forms part of Dalhousie's dispatch of 1st July. The Roman Catholic Bishop has asked that a memorial be transmitted to the King as neither he nor the Roman Catholics in general approve of the arrangement between Huskisson and Roux ceding these seignorial estates to His Majesty. 334

Enclosed. Memorandum signed J. S. pointing out that the opinion of the Attorney General respecting the St. Sulpice estates is that of an advocate rather than of a judge, and he has not noticed the arguments on the other side which if not conclusive are at least plausible. If the Crown were to enforce its rights it might dispossess the Seminary of the city and island of Montreal. The convenience of the measure is obvious enough as regard the title and revenues and would extinguish the feudal tenures whose conditions act almost as a prohibition to improvement. But the inconvenience of adopting so unpopular a measure is to be opposed to this, and the agitators in the Assembly would gladly avail themselves of such a ground of complaint. Whether in the present state of affairs in Canada it will be wise to add to the discontent is a question beyond the attorney general's province, but it is very important. Is not satisfied of the justice of the attack on the Seminary. Some strong reason must be required for enforcing a title allowed to slumber for seventy years. The Seminary is only a trustee, and the length of possession will be urged by the objects of the trust. These are Roman Catholic youths, the expenses of whose education the Seminary has been accustomed to defray. It will not be a sufficient answer to tell them that the Seminary failed to keep alive its claims. In the case of arrangement by Goderich and Huskisson, if the charge that it was brought about by misrepresentation be correct, that puts an end to claims for favourable consideration. 336

Opinion of the attorney general on the questions submitted to him respecting the Seminary of Montreal. 341

Memorial of the Roman Catholic clergy of Lower Canada. 366

Reports by the attorney general on the prosecutions for libel on the part of the Crown since November last (1827). 378

Appendix to the report, giving extracts from the libels. 427

A few facts in answer to the resolutions of the constitutional committee of Montreal and Three Rivers by Chief Justice Sewell. 498

List of the grand jury at the criminal term of the King's Bench of Quebec, March, 1828. 512

Report of the judgment in the case of Butt vs. Sir Nathaniel Conant for trespass. 513

1820.

(Note: "This judgment determines that a justice of the peace has authority to arrest the author or printer of a libel and hold him to bail").

Other documents relating to the law of libel, to cases tried in the courts, &c. Pages 517 to 553

January 1,
Quebec.

List of dispatches addressed to the Secretary of State for the Colonies from the government of Lower Canada for 1828. 554

PETITIONS OF GRIEVANCES, 1828.

Q. 184-1-2-3-4.

1824.

(Part 1 is paged from 1 to 239; part 2 from 240 to 472; part 3 from 473 to 566 (besides printed reports not paged); part 4, from 567 to 848.)

February 26,
Quebec.

Eighth report of the Committee of Assembly on the settlement of Crown lands, with the minutes of evidence. Page 74

March 2,
Quebec.

Ninth report of the Committee of Assembly on the settlement of Crown lands, with the minutes of evidence. 226

1827.
December 18,
Lower Canada.

Petition of inhabitants of Lower Canada.

831 to 848

1828.
January 25.

Unsigned to Huskisson. Sends a document relating to Canada in which colony he has an interest. Among the subjects the delegates from the French party are to bring forward is a complaint against the exactions of Percival at Quebec, which being mercantile affect the British part of the population. Commissioner Wodehouse last year volunteered to bring home the complaint of the Board of Trade but nothing has been heard of it since. He has too large a business to attend to that of other people, so does not sign his name. 441

Enclosed. Extract from the "Morning Post" of 23rd January, containing a letter from Montreal, discussing the political difficulties existing in Canada approving of the course of Dalhousie and anticipating the grounds of the grievances to be urged by the deputies. 443

January 25,
Quebec.

Dalhousie to Gale. Instructing him to go to London to lay before the Colonial Secretary the truth of the matters now agitating the public mind. Instructions as to his course. 256

January —,
Lower Canada.

Petition of inhabitants of Lower Canada.

813 to 830

February 28,
Quebec.

Dalhousie to Gale. Enclosed in Gale to Hay, 10th April, 1828.

March 19,
London.

Neilson, Viger and Cuvillier to Huskisson. They are entrusted with petitions from the inhabitants of Lower Canada respecting their grievances and ask when it would be convenient for them to attend and present them. 1

Various petitions follow, with abstracts of the signatures and the names of the petitioners.

March 26,

Gale to Hay. Indisposition has prevented him from completing his remarks on the Montreal and Three Rivers petition. Sends observations on some of the complaints. 262

Enclosed. Gale to Hay. Explains at considerable length the causes of the difficulties between the provincial government and the Assembly. 263

Observations upon the various clauses of the petition entitled "Petition of the counties in the district of Montreal and Three Rivers." 278

Copy of the petition (in French). 329

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Page 74
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831 to 848

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1828.
March 31,

Thomas Wallace to Huskisson. Has had an interview with Viger and finds him not unreasonable. Convinced him that whatever might be the strength of the case against the Governor or Executive it could not be expected that His Majesty's government would pronounce a judgment quickly but would proceed slowly and with great deliberation; to raise a party either in or out of the legislature would only defeat the object in view. The deputies agree to this and only ask a promise that government will consider the subject at their leisure; and they are convinced that ultimately the British government will do what is right.

March 31,
London

Viger to the same (in French). Has been entrusted by an individual in Lower Canada with a petition to be presented to the King. When could he be able to present it to him (Huskisson). Transmits a small pamphlet respecting Lower Canada containing observations which may not be absolutely unworthy of notice.

April 6,
London

The same to the same (in French). Although his colleagues are absent yet he does what they would have done, namely to thank him for the celerity with which he laid their petitions before the King. Their gratitude for the assurance given by the King that he would proceed to examine the object to which the petitions relate. Flatters himself that the King will continue to give marks of goodness to his loyal Canadian subjects, by giving the agents an opportunity to make explanations that might be useful with regard to the government of Canada.

April 10,

Gale to Hay. Has received and transmits a letter from Dalhousie calling attention to the subject of the property held by the Seminary. A proposition was made by Roux of which he asks a copy, so that he may offer explanations.

April 14,
London.

Enclosed. Dalhousie to Gale. Calls attention to the subject of the estates claimed by the Seminary in Montreal. Wishes the question to be settled while Roux and Gale are in London.

Gale to Hay. Transmits observations on the petition purporting to be from the counties of the district of Quebec. They relate to so much of the petition as precedes and terminates with the last specified bill which was rejected by the Council. The observations exhibit sufficient causes of rejection, but many other just reasons may be assigned. Will shortly be able to deliver observations on the subsequent part of the petition.

Enclosed. Petition from the counties in the district of Quebec. Observations on the same.

Abstract "Heads of presumed causes of the failure of certain bills in the Legislative Council of Lower Canada referred to in the petition from the district of Quebec."

April 29,
London.

Viger to Huskisson (in French). After handing Mondelet's petition to Hay he would not have taken the liberty of applying again, but for pressing letters from Mondelet, who since he (Viger) left Canada has been deprived of his office of King's Notary and like many others has been dismissed from the magistracy. The latter is without salary, since he was deprived of the office of chairman of Quarter Sessions, but the other had emoluments attached. He retains only an office whose salary is very slight and he fears he will also be deprived of that. After having served the government so many years he is deprived of his resources at an age when it is difficult, if not impossible, to begin a new career. Trusts that this step may be favourably received and offers to give any explanations possible.

May 5,
London.

Gale to Hay. Transmits petition just arrived from the Eastern Townships. Until after the petitions from the French inhabitants were sent off, the inhabitants of the townships had no knowledge of their contents, as the leaders scrupulously withheld communication of them. When

1828.

the contents of the petitions became known, the inhabitants of the townships became alarmed and felt it their duty to send petitions against the agitators and in behalf of their own rights and those of the Crown and Upper House. Regretted the petition was not received before that from the Seigniories was laid before the Commons, as it would have shown that it was not the case of a whole people petitioning against its government but of a portion of the people ignorantly led by dangerous and factious leaders. Hopes it may not be too late to remove false impressions, and that justice may be done to the townships, so that the seigniories may not make conquests and establish their laws and institutions outside of their own boundaries. Page 397

Enclosed. Petition from the Eastern Townships. 402

July 22,
London.

Report of the select committee on the state of the civil government of Canada (printed). 1

Minutes of evidence. 15

Appendix. 323

Correspondence with governors follows after page. 359

Remarks on the evidence of Mr. Grant, agent for the Church of Scotland, before the Canada Committee. Follows the second printed paper in Q. 184-2. 473

July 23,
London.

Neilson, Viger and Cuvillier to Murray. The Committee of the House of Commons having reported, they intend to return to Canada, but ask for an interview on the subject of the petitions entrusted to them and laid before the King. 61

July 23,
London.

Neilson to the same. Has been entrusted with a petition from the Indians of Lorette, of which he sends copy, also a memorandum relating to the same. When can he present the petition? 62

Enclosed. Petition from the Indians of Lorette, respecting their claim on Sillery. 63

Memorandum concerning the claims of the Christian Indians residing near Quebec. 68

July 29,
London.

Viger to Murray (in French). M. Lartigue, ecclesiastical superior of the Roman Catholics of the district of Montreal, has acquired property and built a chapel and house for which he requests authority to create a sinking fund as well as for what he may succeed in adding in course of time to the amount specified in petition. As he is desirous to spend some time on the continent before he crosses the ocean, asks to be informed of the day that may be considered suitable to present the petition to the King. 238

August 4,
London.

The same to the same (in French). Has received answer to letter of 29th July, and now sends petition. At the same time he believes he should send the petition, dated 17th January, 1824, presented to Dalhousie, but which has remained without effect. He begs to make another observation besides those already sent, that a man may die before his generous purposes can be realized and too long delays increase this danger. Greedy or needy heirs may render their plans illusory. He need scarcely remark on the sensible loss that would be sustained in a country where there are so few of the institutions necessary for the inhabitants to train them as virtuous citizens and faithful subjects. 240

Enclosed. Petition (in French) of Lartigue, bishop of Telmesse. 242

Petition, addressed to Dalhousie from Antoine Girouard, priest, for the incorporation of the Seminary or College of St. Hyacinthe. 248

September 3,
Downing
Street.

Stephen to Murray. Statement respecting the report of the select committee on the state of the civil government of Canada. It is too voluminous to summarise. Stephen states in the beginning that "it comprises, first a recapitulation of the various recommendations of the "Canada Committee; secondly a summary of the evidence by which "such recommendations seem to have been suggested, and thirdly an

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1828.
September 8. "explanation of the methods by which (as it appears to me) each recom-
"mendation, if adopted, would be most properly carried into execution."
Pages 537 to 650
Addresses to Dalhousie on the eve of his departure published in the
Quebec Gazette on the date in the margin. 703 to 747
October 4, Viger to Murray (in French). On his return from the continent
London. where he had spent some weeks, he found communications from Lower
Canada which he could not avoid laying before him (Murray); when can
he do so? 255
December 22, Richardson and Grant, commissioners for the La Chine Canal. Give
Quebec. extract from the evidence of John Neilson, and charge him with making
statements grossly deceptive and injurious to the commissioners. Defend
the character of the commissioners in regard to the quality of the work.
The man of truth, candour or even common sense, would not compare
two canals by length only without regarding breadth, depth and dura-
bility. The extract from the evidence begins at page 457. The letter
begins at page 459
December 23, John Neilson to Messrs. Richardson and Grant. Their letter received.
Quebec. Is sorry that it ascribes intentions to him that he never had and draws
inferences not authorized by the evidence. 472
December 25, Beverly Robinson to Wilmot Horton. Comments on the report of the
York. committee on Canadian affairs and on the evidence on which it was
founded. 748 to 812
December —, Dalhousie to Murray. Transmits observations on the report of the
Coalstown committee of the House of Commons on the affairs of Canada. 651 to 702
House.
No date. Petition of the merchants and others, connected with the Canadas. 426
Remarks on the resolutions delivered at the Colonial Office on the
11th July. 409
Gale to Stephen. Sends the journals of the Legislative Council con-
taining the principal motives and grounds, on which that body differed
from the Assembly. Sends also printed copy of speech by Berthelot on
the registry bill in the session of 1827, when it was rejected. The ques-
tion has been settled in the other provinces, but the bill for Lower
Canada was of interminable length and complicated provisions. The
motives of opposition to a registry Act. Appeals to race prejudice and
references to Greece and Rome make up the speech. 259
1829. Memorandum by Stephen, on the present state of the Canada question.
January 13, Downing 533
Street.
- PUBLIC OFFICES, 1828.
- Q. 185-1-2.
(Part I. is paged from 1 to 288; Part II. from 289 to 621).
Wilmot Horton to Griffin. Enclosed in Anglesey to Huskisson, 26th
January, 1828.
Byham to Respective Officers. Enclosed in Byham to Hay, 17th
November, 1828.
Finlay to Routh.
Routh to Hill. Both enclosed in Planta to Hay, 29th December, 1828.
Dalhousie to Alden. Enclosed in memorial from the Wesleyan
Methodists, July, 1828.

1827.
November 30, Wellington to Huskisson. Enclosed in Wilmot Horton to Stanley,
London. 1st January, 1828.
- December 4, Vaughan to Clay. Enclosed in Backhouse to Hay, 1st May, 1828.
Washington.
- December 13, Bishop (Anglican) of Quebec to ——. Enclosed in Hamilton to
Hay, 10th May, 1828.
- December 20, McKenney to Jasper Parish. Enclosed in Backhouse to Hay, 1st
Washington. May, 1828.
- December 29, Memorandum by Wellington on By's plan respecting the Rideau
1828. Canal. Enclosed in Wilmot Horton to Stanley, 1st January, 1828.
- January 1, Jasper Parish to McKenney. Enclosed in Backhouse to Hay, 1st May,
Canandaigua. 1828.
- January 1, Wilmot Horton to Stanley. Sends minute of Wellington respecting
Downing the Rideau Canal. It will be necessary to communicate with the
Street. the Ordnance and to see the instructions, &c. Kempt should be with the
committee of engineers when they examine the work. Can no arrange-
ment be made by which the canal could be taken over and managed by
the province? Page 289
- Enclosed. Memorandum by Wellington on the Rideau Canal. 291
- Wellington to Huskisson. Sends memorandum of which he had sent
Anglesey a copy. Sends also copy of letter to Anglesey on the same
subject. 303
- Wellington to Anglesey. Sends memorandum on a printed paper,
which he believes was written by By. That officer wished the canal from
Ottawa to Kingston to be built with locks of 180 by 60 feet instead of
108 by 20, a proposition he (Wellington) overruled. The renewal of the
discussion may cause dissatisfaction. Reasons why By's proposition was
overruled. (1) He knows of no canal in which steamboats can be used
and the banks last, nor does he know of any canal in which steamboats
are used. (2) The canals were to be constructed on a system already
begun and the locks to be of the same dimensions. (3) The expense of
the Rideau Canal calculated at £169,000 would have amounted to
£500,000, had the larger scale been adopted and as the other canals must
have been constructed on the same scale, the cost would not have been
less than a million pounds sterling. (4) The time occupied in con-
structing the canals would have been doubled. (5) It is doubtful if there
is sufficient water at the summit for locks of the dimensions proposed by
By. As the navigation from Ottawa to Kingston is by lake, river steam-
ers can tow the boats which the canal can receive, but in the canal they
must be towed by horses or men. The sum of £169,000 was the amount
for the construction of the canal, but arrangements should be made for the
cost of the land through which it runs. It was right for government to
construct the canals but very expensive and inconvenient to maintain
them. Recommends their sale, government reserving the use of them
for the transport of troops and stores, the produce of the sale to be
applied to the construction of new works of the same description till the
whole system is carried into execution. If they cannot be sold they
should be let to contractors, bound to keep them in repair under inspec-
tion of the officers of Ordnance. The interest in the subject. 304
- January 2, Dalhousie to Vaughan. Enclosed in Backhouse to Hay, 19th March,
Quebec. 1828.
- January 3, Instructions by Jasper Parish to Edward Parish.
Canandaigua.
- January 3, Jasper Parish to the Indians. Both enclosed in Backhouse to Hay, 1st
Canandaigua. May, 1828.
- January 8, Barrow to Stanley. Transmits letter from Rear Admiral Ogle respect-
Admiralty. ing an intended application from Dalhousie for a vessel of war to convey

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January 9,
Foreign office.

him and family from Canada and to ascertain from Huskisson if the King will comply with the request. Page 8

Enclosed. Ogle to Croker. On Dalhousie's intended application. 9

Backhouse to Stanley. With reference to the practice of United States fishermen drying fish on the Magdalen Islands, sends report from the advocate general, on which he asks Huskisson's opinion. 26

Report of the advocate general. By the terms of the treaty there is nothing to hinder the United States fishermen to dry fish on the Magdalen Islands if they can agree with the proprietors, but the complaint is that they come in numbers and set the law at defiance, so that the fishermen from the United States have not complied with the treaty requiring previous agreement. In his opinion the proper redress is to signify ground of complaint to the United States Government and to notify that such abuses shall be retrained by force. At the same time he does not consider it would be consistent with a liberal construction of the treaty to exclude them altogether. By the Act 59, George III. for carrying out the convention, orders in Council may be passed to give the necessary directions to the Governor of Newfoundland, or to any officer on that station to carry out the terms of the Treaty. 27

January 14,
Ordinance.

Byham to Stanley. The Master General and Board of Ordnance have received copy of letter respecting the building of a house at Sorel, which it is pointed out is in Lower and not in Upper Canada. That error was committed through inadvertence, but there is no reason to alter the decision arrived at, nor to build at Sorel. 273

January 14,
Horse Guards.

Fitzroy Somerset to Hay. Sends letter from Dalhousie and enclosure relative to the bateau establishment for the transport of troops and military supplies to the upper province and its removal from La Chine to Montreal. 12

Enclosed. Dalhousie to Wellington. His objection to the removal of the bateau establishment from La Chine to Montreal. Character of the voyageur boatmen who can only be managed by a Canadian officer who understands them and whom they understand. Owing to ill health the present officer is going on half pay. His anxiety about a successor. Suggests that the department be removed from the commissariat and made a sort of provincial company with one captain and two inferior officers and 50 men all selected for their qualifications. The cost would not be increased except for the two inferior officers. 13

Darling to Durnford. The commander of the forces desires him to report to the Master General and Board of Ordnance on the bateau service. 17

January 16,
Washington.

Vaughan to Clay. Enclosed in Backhouse to Hay, 19th March, 1828.

January 19,
Foreign Office.

Backhouse to Stanley. Transmits copies of dispatch and enclosures from Vaughan, Minister at Washington, respecting an application from the United States government for the delivery to an agent of the Bank of Virginia of Nathaniel Snelson detained at Quebec. 33

Enclosed. Documents relating to the extradition of Snelson. 34, 36, 38, 40.

January 23,
Washington.

Clay to Vaughan. Enclosed in Backhouse to Hay, 19th March, 1828.

January 25,
Canandaigua.

E. P. Parish to Jasper Parish. Enclosed in Backhouse to Hay, 1st May, 1828.

(The return of United States Indians at St. Regis is attached to this letter).

January 26,
Canandaigua.

Jasper Parish to McKenney. Enclosed in Backhouse to Hay, 1st May, 1828.

1828.
January 26.
Uxbridge.

Anglesea to Huskisson. Sends report of the engineers appointed to examine the merits of By's plan. Page 312

Enclosed. Bryce to Mann. Forwards reports of the committee of engineers on By's plan. They did not recommend wooden locks but stated that an incidental advantage was that by them an opportunity would be afforded of adopting any size of lock that might be agreed on. 314

Remarks on the report by the engineers and observations on By's proposals respecting the Rideau Canal. 316

Memorandum initialled E. G. S. "For Mr. Hay, to accompany the "other papers respecting the Rideau Canal." 341

E. G. Stanley to Huskisson. The papers sent are confidential, as if known they would hurt the writer. If one fourth of the statements of an eyewitness be correct, By cannot be supported. The cost of clearing a field of ten acres is £40, one fourth of By's contract. 342

Wilmot Horton to Griffin. Has presented letter to Bathurst, who has no remarks to make except that the work on the canal should proceed as rapidly as possible. 343

Notes on the Rideau Canal and on the amount necessary to complete the citadel at Halifax. 344

February 2,
General Post
Office.

Freeling to Hay. Sends private letter from deputy Postmaster General at Quebec relative to the attempt to interrupt the courier, passing with the mails between Fredericton and Quebec, to be laid before Huskisson. 585

Enclosed. Extract that the "Yankees" on the Madawaska River threatened to stop the courier and made demonstrations to that effect. Baker, the principal delinquent, punished with fine and imprisonment. 586

Proclamation by Governor Lincoln, of Maine, respecting the punishment of Baker 588

February 5,
Treasury.

Dawson to Hay. It would be irregular to pay the widow of the late Capt. Livingston on the estimates for the army, but Dalhousie has been authorized to pay her £50 from the revenue of Canada. 453

February 6,
Washington.

Vaughan to Dalhousie.

February 9,
Washington.

Vaughan to Dudley. Both enclosed in Backhouse to Hay, 19th March, 1828.

February 11,
Washington.

Barbour to Clay. Enclosed in Backhouse to Hay, 1st May, 1828.

February 12,
Quebec.

Bishop (Anglican) of Quebec to——. Enclosed in Hamilton to—— 13th April, 1828.

February 21,
Ordnance.

Beresford to Huskisson. Asks that he may be informed if any decision has been come to regarding the military works at Kingston and on the Rideau Canal referred to in two letters dated 27th December and 26th January last. 345

February 22,
Foreign Office

Backhouse to Hay. Transmits copy of a printed report of the United States Secretary containing correspondence with His Majesty's government relative to the free navigation of the St. Lawrence. 42

Enclosed. Vaughan to Dudley. Transmits report on the free navigation of the St. Lawrence. 43

Message from the President of the United States with report from the Secretary of State relative to the free navigation of the St. Lawrence. 44 to 206

February 23,
London.

House of Commons for a return of public works projected or begun in the Canadas. 1

February 28,
Quebec.

Bishop (Anglican) of Quebec to Hamilton. Enclosed in Hamilton to——, 13th April, 1828.

March 1,
Ordnance.

Beresford to Huskisson. Lieut. Colonels Fanshawe and Lewis, Royal Engineers, have been ordered to Canada as members of the committee on the Rideau Canal. They will go by the first Liverpool packet. 346

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1828.

March 1,
London.

March 3,
Ordnance.

March 7.

March 8,
General Post
Office.

March 14,
Washington.

March 17,
Ordnance.

March 17,
Ordnance.

March 19,
Foreign Office

March 20,
London.

March 20,
London.

House of Commons for a return of the produce of the postage received in Upper and Lower Canada. Page 2

Beresford to Huskisson. The letter that he (Huskisson) stated would be sent to the Ordnance has not been received. It will, he fears, be too late for Wednesday, but the engineer officers can wait at Liverpool for another packet to carry orders to Kempt. 347

House of Commons, address for copies of correspondence received from the governor of the British North American Colonies respecting regulations for the conveyance of passengers to North America. 3

Freeling to Hay. Sends return of the net postage received in Upper and Lower Canada, distinguishing each province. 590

Enclosed. Return. 591

Clay to Vaughan. Enclosed in Backhouse to Hay, 1st May, 1828.

Byham to Hay. Has received letter of the 15th with copy of letter from the Finance Committee, for a return of the public works in Canada, their cost, etc. Transmits return. 348

Beresford to Huskisson. Is sending Lieut. Colonels Fanshawe and Lewis to Canada, to be members of the Committee of which Kempt is president. Asks for a copy of instructions to be given to that officer, who will, no doubt, be ordered from Halifax to Canada without delay. In respect to the limitation of expense on the Rideau Canal, By could not have been informed of the intended limitation in sufficient time to prevent his making the contract mentioned in a letter received since that of Huskisson. Note of the amount of contracts. This will show how little the £41,000 he proposes to spend would do for the work. The contracts entered into by By will take £140,000. 349

Backhouse to Hay. Sends copies of a dispatch and enclosures relative to the surrender of a criminal from the United States supposed to have taken refuge in Canada. They contain some observations on the mutual surrender of criminals. 207

Enclosed. Vaughan to Dudley. On the application for the United States criminal, Dalhousie would have delivered him up promptly had he been found in Canada. The difficulty of obtaining the surrender of criminals in the United States. The States laws can only be controlled by a treaty with the general government. 208

Dalhousie to Vaughan. Snelson, who defrauded a bank in Virginia of a large amount of money is not imprisoned in Canada as supposed. 210

Clay to Vaughan. Thanks to him and to Dalhousie for the prompt and friendly interest he took in the Snelson affair. 211

Vaughan to Clay. Sends copy of letter from Dalhousie that Snelson is not in any gaol in Lower Canada. 212

Same to Dalhousie. Regrets the difficulty in common with himself he (Dalhousie) has experienced in obtaining the surrender of criminals. This does not depend on the will of the general government but on the particular laws and usages of States. Is at a loss to know how all the states could be induced to bring their laws to uniformity. 213

Hamilton to Huskisson. Hume intends to present a petition from Griffin, formerly a missionary in the service of the society for the Propagation of the Gospel, that no more money be granted to the society on the ground of misapplication. Submits documents to show the propriety of Griffin's removal. It is not difficult to show the incorrectness of Griffin's statements and he has made observations totally at variance with them which will be found in documents accompanying this letter. 517

Wellington to the same. The vote for the Rideau Canal falls short of the expenditure by £6,236. The engineers should take the report

- 1828.
- March 22, Ordinance. and the estimate for each portion of the work so that the amount to be asked could be ascertained. Page 352
- March 22, Ordinance. Beresford to Huskisson. Is desirous to see him as instructions cannot be sent to By until he (Huskisson) has considered the state of the work and made up his mind. 752
- March 22, London. Hardinge to Hay. Sends a short account of the expense of the Rideau Canal. 354
- March 25, Ordinance. *Enclosed.* Short account. 355
- March 26, Ordinance. Downes to Hay. Montreal is considered the best place for Kempt and the officers of engineers to rendezvous at. 356
- March 26, Ordinance. Byham to the same. Returns papers left at the office of inspector of fortifications and statement of expenses of the Rideau Canal. 357
- March 28, Ordinance. Additional instructions to the committee of engineers. *Enclosed in* Byham to Hay, 29th September, 1828.
- March 28, Washington. Vaughan to Dudley. *Enclosed in* Backhouse to Hay, 1st May, 1828.
- April 3, Horse Guards. Fitzroy Somerset to Hay. The commander-in-chief sees no objection to a general officer being appointed to the office of superintendent of Indian affairs, provided it be clearly understood that he is not to interfere with any of the military departments. 21
- April 13, London. Hamilton to ——. Asks for an interview, and in the meantime asks for a perusal of a letter from the Bishop of Quebec. 520
- Enclosed.* Bishop (Anglican) of Quebec to Hamilton. Sends account of the proceedings of the Church of England in Canada, and asks him to watch the proceedings of Grant, agent for the opposite party, in respect to the reserves. Remarks on the statements as to the relative strength of the Church of England and Church of Scotland in Canada. 521
- Bishop (Anglican) of Quebec to ——. Had relinquished the intention to address the Imperial Parliament by petitions from the congregations. Objections on the part of those entitled to the highest respect led him to give up the proposal which he and others believed at first to be necessary but now regard in a different light. 529
- Form of a petition to Parliament on behalf of the Church of England in Canada. 531
- April 14, Quebec. Dalhousie to Hill. *Enclosed in* Stewart to Hay, 8th July, 1828.
- April 15, Whitehall. Phillips to Hay. The list of prisoners pardoned on condition of being transported for life has been laid before Peel. Orders have been sent to the superintendent of convicts to receive them on board the "Dromedary" hulk at Bermuda. 267
- April 8, Indian Board. Melville to Huskisson. Dalhousie's private affairs make his return to Scotland, this summer almost indispensable. A frigate should be ordered for him to be at Quebec, by the 15th August. 25
- May 1, Foreign office. Backhouse to Hay. In reference to complaints of the conduct of United States Indians, towards a tribe of Indians at the village of St. Regis, representations having been made to the United States government, measures have been taken to prevent a recurrence of the conduct complained of. 215
- Enclosed.* Vaughan to Dudley. Had represented the conduct of United States Indians at St. Regis, and been assured by the United States government, that measures would be taken to prevent a recurrence of the offence. 216
- Vaughan to Clay. Calls attention officially to the conduct of the United States Indians at St. Regis. That being decided to be in British territory, Dalhousie suggests that a flag staff or stone be placed on the boundary and the United States Indians be required to remove beyond it. The co-operation of the United States government is desired for that purpose. 217

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1828.

Clay to Vaughan. Has referred his letter to the Secretary of War under whose charge are the relations with the Indians in the United States. Jaspar Parish, sub-agent of the United States with the Six Nations, is of opinion that there will be no more cause of complaint from that quarter.

Page 220

Other correspondence on the subject.

221 to 233

List of Indians begins at page

230

May 2,
Foreign office.

Backhouse to Hay. Sends copies of conventions with the United States, signed at London, 6th August and 29th September, 1827. They have not yet been laid before Parliament.

234

Enclosed. Convention with the United States, relative to the territory, on the North West Coast of America.

235

Convention of commerce with the United States.

239

Convention with the United States relative to the reference to arbitration of the disputed points under the 5th article of the treaty of Ghent.

243

May 3,
Lincoln's Inn.

Maule to Hill. Enclosed in Dawson to Hay, 8th May, 1828.

May 8,
Treasury.

Dawson to Hay. Transmits report of the solicitor to the Treasury in regard to instructions to take measures to support the cause of the Royal Institution for the advancement of learning for securing possession of the ground and buildings bequeathed by McGill.

454

Enclosed. Maule to Hill. The case of the Royal Institution has been heard by the Privy Council, and judgment delivered affirming the judgment of the court below in favour of the institution.

455

May 10,
London.

Hamilton to Hay. Had written the Bishop of Quebec in September, 1827, to institute minute inquiries into the state of the Church, with special reference to the number of churches, ministers, districts and other information. It will require much time to obtain accurate information, and the results have not yet been received. Whilst engaged in collecting the information, His Lordship ascertained that members of the Kirk of Scotland were endeavouring to make such representations to the Secretary of State, as would induce him to sanction the claim they had set up for part of the clergy reserves. Understands the question is to be taken up by a committee of the House of Commons and he, therefore, forwards documents on the subject.

543

Enclosed. Bishop (Anglican) of Quebec to Hamilton. Sends copy of printed questions to show that measures have been taken to obtain the information wanted, but the immense extent of territory will necessarily take time to get the information, have it digested and tabulated, etc. The general state of the diocese can be found in the accounts of his visitations. Sends copy of the letter he addressed to the clergy and congregations with reference to the points now at issue. Did not think it advisable to call a conference, as it would have produced inconvenience. Sends details from his own knowledge, and his chaplain Rev. Crosbie Morgell will give such further satisfaction as is in his power.

547

Subjects of inquiry proposed by the Ecclesiastical Board.

551

List of persons from other religious bodies who have received orders in the Church of England.

555

List of persons who have applied for orders.

556

May 16,
Admiralty.

Barrow to Hay. In accordance with His Majesty's pleasure, a ship of war shall be ordered for the accommodation of Dalhousie, his family and suite, from Quebec to Leith, and similar accommodation shall be given to Kempt, from Halifax to Quebec.

10

House of Commons for copies of documents respecting the union of Upper and Lower Canada.

5

May 20,
London.
May 31,
Admiralty.

Barrow to Hay. What is the probable number of persons who will accompany Sir James Kempt and Lord Dalhousie?

11

1828. June 2, Treasury.	Dawson to Hay. Transmits decision in the appeal of Des Rivières against the decision of the court below in favour of the Royal Institution. Page 456	
June 6, Whitehall.	Report by Comptrollers of army accounts. Enclosed in Dawson to Hay, 19th June, 1828.	
June 7, June 12, Treasury.	Finlay to Darling. Enclosed in Planta to Hay, 29th December, 1828. Dawson to Hay. For reasons given, the Treasury grant to the daughters of de Salaberry £50 per annum as a pension from the date of their father's death.	457
June 19, Treasury.	Same to the same. Transmits report of the comptroller of army accounts on the question of pension to John Campbell, formerly a master's mate.	458
	Enclosed. Report from the Comptrollers of army accounts on the question of a pension to John Campbell.	459
June 20, Treasury.	Dawson to Hay. In regard to application of Mrs. Cressé for remission of the mutation fine, desires to know from Murray the usual practice in granting relief in such cases.	463
June 21, London.	House of Commons for the opinion of the Law Officers on the right of the Crown to appropriate the revenue raised under the Act of 1774 independent of the Legislative Assembly.	6
June 23, London	Chalmers to ——. A copy of that part of the evidence relating to Canada which the finance Committee considered improper for publication shall be sent to the Colonial Office as soon as it can be made.	7
June 25, War Office.	Sullivan to Hay. Asks for report on the annual amount of salary and emoluments of Brewster as Fort Adjutant at Isle aux Noix, he having applied for permission to receive these besides his half pay.	512
June 28.	Comparative report. Enclosed in Byham to Hay, 7th November, 1828.	
July 8, Treasury.	Stewart to Hay. Transmits copy of letter from Dalhousie, that he had advanced £50 to his aide-de-camp on his proceeding from Quebec to London, desiring to have Murray's opinion of the propriety of charging the amount to the public.	463
	Enclosed. Dalhousie to Hill. Has given order for an advance of £50 to his extra aide-de-camp, Capt. Hope, to be accounted for.	464
July 8, Treasury.	Stewart to Hay. The Lords of the Treasury will place the sum of £120,000 in the estimate for the Rideau Canal.	462
July 11, Treasury.	The same to the same. Transmits application with enclosures, from Jacob Bigelow, of Montreal, for remuneration for his services.	465
	Enclosed. Memorial from Bigelow.	466
July 15, Ordnance.	Hardinge to Murray. Asks for the return of papers relating to the public works in Canada.	358
July 16, London.	Garry to the same. Sends list of all persons employed by the Hudson's Bay Company within the territories.	558
	List. Chief factors and chief traders, 47 in number.	559
	Southern department clerks, 26.	560
	Southern department servants, 133.	561
	Northern department clerks, 59.	566
	Northern department servants, 502.	568
July 23, Quebec.	Report on the defence of Canada. Enclosed in Byham to Hay, 29th September, 1828.	
July —, London.	Memorial from the Wesleyan Methodists for a share of the clergy reserves, with a long statement.	592
	Enclosed. Notarial certificate that the registers of baptisms, marriages and burials in the Wesleyan Church records had been exhibited to the notaries.	609
August 11, Treasury,	Dalhousie to Alder. After he received the refusal of the royal assent to a bill passed in 1826 in favour of dissenting societies, is informed that steps will be taken to urge the suit of these bodies, but does not	

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think another bill to the same effect, even if modified, would receive the royal assent. The established church has not been able to provide the necessary clergy and the Wesleyan body has rendered valuable assistance. How protection and encouragement are to be obtained, he leaves to him (Alder) and his brethren. Page 614

August 11,
Treasury.

Stewart to Hay. Transmits requisition for Indian presents to obtain Murray's opinion whether the goods should be provided and forwarded. 471

August 16,
War Office.

Sullivan to Twiss. Is the appointment of Eschambault to be superintendent of Indians in 1797 a civil or military situation? When did he cease to hold the appointment? 513

August 19,
Quebec.

Dalhousie to Dawson. Enclosed in Planta to Hay, 29th December, 1828.

August 20,
Fort George.

Philpotts to ——. Enclosed in Byham to Twiss, 24th October, 1828.

August 23,
Treasury.

Stewart to Hay. Sends papers to ascertain Murray's opinion of the propriety of the suggestions by Dalhousie that a commission be sent to Canada to examine certain money matters. 472

August 26,
Treasury.

Stewart to Hay. Instructions have been sent to the Ordnance for goods required for the service of the Indians in Canada. 474

September 10,
Downing
Street.

Stephen to the same. Opinion on the application for redress of grievances by the Wesleyans. The first for a share of the clergy reserves, cannot be granted for reasons given. The difference of opinion between Chief Justice Sewell and Reid should be settled in a proper court of law. The Colonial Secretary cannot decide such questions. 268

September 12,
Treasury.

Stewart to the same. In reference to the memorial of Hale, the Lords of the Treasury have decided that provided Hale's securities are approved of and that the regulations have been established and adhered to, directions shall be given that he shall be confirmed in his situation. With respect to the increased rate of pay asked for, Murray is referred to minute of the Board of 26th October, 1826, communicated to the Colonial Secretary. An increased salary can only be granted if the balances his predecessor was allowed to retain have been withdrawn. 477

September 22,
Foreign office.

Backhouse to Hay. Sends dispatch from the minister at Rio de Janeiro that the Emperor of Brazil intends to send a number of Irish emigrants from that country to Canada. 255

Enclosed. Gordon to Dudley. Owing to the late unfortunate events the Irish emigrants cannot remain with safety. Many have returned to Ireland and the rest preferring to try their fortunes in a British colony, the Emperor will send to Canada at his own expense. 256

September 23,
Treasury.

Stewart to Hay. The Lords of the Treasury sanction the grant of a pension to the widow of La Mothe, of the Indian Department, in the same way as if he had been in the regular army. 479

September 27,
Ordnance.

Remarks on report of report of the committee. Enclosed in Byham to Hay, 29th September, 1828.

September 29,
Ordnance.

Byham to Hay. Forwards documents relating to Grenville Canal. 359
Enclosed. Copy of report, dated 23rd July, 1828, with remarks of various dates. 360

September 29,
Ordnance.

Byham to Hay. Transmits report from Lieut. Colonel Fanshawe on matters relating to the Rideau Canal. 493

September 29,
Ordnance.

Same to the same. Report of the committee of engineers considered by the Master General and Board of Ordnance relative to the defence of Canada and other matters. Sends report to be submitted to Murray. 364

Enclosed. Report on the defences of Canada. 365
Additional instructions to the committee of engineers. 421

1828.

Remarks on the speculative nature of the report in respect to the estimate of expenditure on ground not cleared. Other points criticised. Page 430

October 20,
Loughton.

Hamilton to Hay. So much of the report and evidence before the committee on Canadian affairs relates to the church in Canada that he submits that a copy might be sent to the Bishop of Quebec with an official invitation to him to transmit his observations. 557

October 21,
Foreign office.

Backhouse to Twiss. Barbour, the United States Chargé d'Affaires, has applied for a copy of the charter granted in 1692 to the College of William and Mary, Virginia. If a copy can be procured, it is to be sent for transmission to Barbour. 266

October 24,
Ordnance.

Byham to the same. Doubts whether the site on the Short Hills is eligible for the contemplated fortress. The Master General and Board of Ordnance thought it would be better to forfeit the amount paid than to complete the bargain. Since that decision a report has been received that the lieut. governor had completed the purchase of one of the four lots, a lot of 200 acres, the property of Jacob Wells. Desires to know if the lieut. governor was authorized to complete the purchase, and if the Master General and Board are to be responsible without being consulted. 276

Attached. Note by Wilmot Horton that he cannot see what the Board of Ordnance have to complain of; they have made a mistake and now wish to make some one else responsible. 279

October 28,
Harwich.

Enclosed. Philpotts, Royal Engineers. Report of the purchase of the land at the Short Hills, with statement of the amounts paid and due. 281
Report of Fanshawe. Enclosed in Byham to Hay, 7th November, 1828.

October 28,
Navy Office.

Navy Board to Hay. In answer to complaint that the masters of transports do not always pay the tonnage and pilotage duties to which they are liable with others, under provincial statutes, orders have been sent that the masters are to comply with the statutes. If not, a deduction will be made for the amounts unpaid. 271

October 29,
Foreign office.

Backhouse to Hay. Transmits letter from Vaughan, Minister at Washington, enclosing circular from the Treasury there to collectors of customs to prevent the smuggling of British goods on the frontiers of Canada. 259

Enclosed. Vaughan to Aberdeen. Transmits copy of official circular to officers of the customs to exert themselves to prevent the smuggling of British goods on the Canadian frontier. Sends also copy of an order for the distribution of troops in the Michigan territory. 260

Circular to collectors on the Canadian line. 261

Order for the distribution of troops. 263

November 4,
Treasury.

Dawson to Hay. In reference to the application for pension to Robert Simpson, an old soldier, the Lords of the Treasury desire to obtain information respecting an application for an old Louisbourg soldier, and from what fund his pension was paid. 480

November 7,
Ordnance.

Byham to the same. In compliance with request for a comparative statement showing the difference of expense of completing the back water communication on the same scale as the La Chine Canal and that of completing it on the scale proposed by the committee, sends Fanshawe's report with minute from Mann and comparative statement. 434

Enclosed. Report from Fanshawe with remarks. 435

Comparative statement. 438

Printed report of the Finance Committee. 439

November 8,
General Post
Office.

Freeling to Hay. A packet for Sir James Kempt, and another for J. Buchanan, New York, were delivered by the postmaster of Liverpool to the commander of the Britannia. 618

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1828.

November 17,
Ordnance.

Byham to Hay. Transmits reports and other papers respecting the lands at Short Hills and other public works. Page 284

Enclosed. Byham to Respective Officers. The delay reported as caused by want of orders to the governors of Lower and Upper Canada in respect to the purchase of public lands has been notified to Bathurst. Orders have been sent. 286

November 18,
Comptrollers'
Office.

Comptroller of accounts to Treasury. *Enclosed* in Planta to Hay, 29th December, 1828.

November 18,
Treasury.

Dawson to Hay. Sends copy of letter respecting the advance of £50 to Capt. Hope, for travelling expenses. Should Murray approve of the mission and expense, the officer in command in Canada should be directed to repay the amount to the military chest. 481

Enclosed. Hardinge to Dawson. Transmits copy of letter from Hope on the subject of the £50 advanced to him. 482

Capt. Hope to Lukin. States that he was sent by Dalhousie who ordered him an advance of £50, and as he will be in London by the end of the month, he will explain the cause of the mission. 483

Darling to Hope. As he (Hope) has been directed to proceed on a mission, an order is sent to advance him £50. 485

December 4,
State Paper
Office.

Lemon to Hay. Sends all the correspondence of Clinton during the American war. The first volume of the correspondence was sent to the Colonial Department in May last, where it still remains. 621

December 4,
State Paper
Office.

The same to the same. Cannot find the grant of Nova Scotia to Sir William Alexander in 1621, nor its confirmation in 1625. Has found some documents, but suggests that the ones asked for are in the Rolls Chapel Chancery Lane. 619

December 6,
War Office.

Sullivan to Hay. Is there any objection on the part of the War Office to the surrender of the bond of Genevay as paymaster of the Militia. 515

Attached. A note signed C.C. Roper, on the appointment of Genevay, and that the War Office intends as usual to surrender his bonds. 516

December 9,
Whitehall.

Laack to Hay. Has laid before the Lords of Trade letter from Burlingham, suggesting the advantage of encouraging the growth of hemp. They have had various suggestions on that subject under consideration, and sometime ago informed the Treasury that it is not advisable to appropriate any public money with that object. 22

December 11,
Treasury.

Burlingham's original letter was transmitted next day. 24
Stewart to Hay. Calls attention to general order appointing John Brant, Superintendent of the Six Nation Indians, at a salary of £200, the Lords of the Treasury desiring to know if this appointment has Murray's sanction. 486

December 12,
Downing
Street.

Hay to Stewart. Transmits copy of letter from Kempt on the inconveniences caused by an alteration of the provincial duties. Information should be given to the Colonial Office of such alterations, so that the governor may receive the necessary instructions. 489

December 15,
Ordnance.

Byham to Hay. For the return of papers sent on the 17th ultimo. 288

December 23,
Betchworth.

Goulburn to the same. It is no part of their duty to inform the Colonial Secretary how far laws may affect particular colonial interests, and as the laws are passed publicly, they cannot be expected to act as flappers. The difficulty of answering Barnes, the Act being contrary to his views. The lawyers might get him (Hay) out of the dilemma; if they cannot there is no help for it. It was not intended to give the returning officer a life pension. 487

December 29,
Treasury.

Planta to Hay. The Lords of the Treasury approve of the application of certain sums for public works in Canada. 490

December 29,
Treasury.

The same to the same. Transmits documents relating to the collection of tolls, &c., of the canal locks at La Chine. 491

1828.

Enclosed. Routh to Hill. Reports the unsatisfactory state of Finlay's accounts in regard to the canal revenues and expenditure; his refusal to make any explanation. Page 492

Routh to Finlay. Asks him to send copy of instructions in respect to the office of superintendent of the canals of the Cascades and Coteau du Lac and of the Cleft Rock Gates. Details of appointment, manner of keeping the accounts, &c., wanted. 496

Finlay to Routh. He was appointed superintendent by Dalhousie and had always sent accounts to the military secretary, to whom he referred him (Routh). 498

Account current of the Cascades, Split Rock and Coteau du Lac with John Finlay. A note by Routh says: "Mr. Finlay having declined answering any questions on this account put to him by the Com. Genl. it is difficult to come to any accurate understanding of it. It is evidently rendered for a term of two years, but the account only of 1826 appears, preceded by a credit of a gross amount for 1825 without any particulars."

"R. J. ROUTH.

"On a subsequent reference to the Account Department I find no account for 1825 was ever rendered."

R. J. ROUTH. 499

Dawson to Dalhousie. The Lords of the Treasury desire to have an explanation respecting the two overseers on the canals whose pay appears to be a high rate for such appointments. They desire to have a report on the question of whether the tolls of the canals should not be annually let by auction. 500

Finlay to Darling. The necessity of having respectable persons to oversee the passage of craft through the locks; such persons if not well paid cannot be acquired. The distance from any town or village makes the presence of these persons more necessary. The number of gates or locks to each canal and the force of the water render great care necessary. Statement of commissions received from 1823 to 1827. 502

Dalhousie to Planta. Sends copy of report on the canals. Agrees with Finlay, the superintendent, who is poorly paid with 5 per cent commission, unless the overseers receive liberal remuneration no beneficial or regular service will be obtained. No confidence can be placed in the system of letting the tolls by auction. 506

Comptrollers of accounts to Lords of the Treasury. Remarks on Finlay's income, reported by Dalhousie to be a poor remuneration. Besides his commission he has his half pay and allowances. Agrees with Dalhousie in the inexpedency of letting the tolls by auction. 508

No date.

House of Commons, for a return of all grants of land in Canada exceeding 3,000 acres and an account of the revenue from Crown Lands. 4

Q. 186A, Contains Bouchette's statistical report on Lower Canada with instructions and letters from Dalhousie's Secretary, &c.

MISCELLANEOUS, 1828.

Q. 186-1-2.

(Part I. is paged from 1 to 318. Part II. from 319 to 544.)

1820.
August 18,
Portsmouth.

Lieut. Lester, R.N. Sends receipt for a dispatch bag and tin case delivered to the postmaster. Page 368

1828.
January 7,
London.

Daly to Stanley. Applies for extension of his leave of absence. 177

January 7,
Lambeth.

Griffin to the same. Asks for copies of communications from lieut. governor Smith, of Prince Edward Island, respecting him (Griffin). 222

January 15,
Lambeth.

Same to Huskisson. Had been employed for eight years as missionary by the Society for the Propagation of the Gospel. Has now returned and asks for the testimonials of his good character required by the Act. 223

January 18,
Quebec.

Bishop (Anglican) of Quebec to Huskisson. In reference to the pretensions of the Church of Scotland for a share of the clergy reserves which were intended for the benefit of the Church of England, asks to be heard by counsel when the question comes before Parliament. Sends copies of a letter addressed to the clergy and congregations and of a proposed petition. 464

Enclosed. Copy of letter to the clergy and congregations of the Church of England in Canada. 467January 19,
Newtown.

Proposed petition for the clergy reserves as being solely intended for the benefit of the Church of England in Canada. 488

January 19,
Quebec.

Gunning to the Colonial Secretary. Desires to know what encouragement is held out for a clergyman of the Established Church to go to Canada. 202

January 20,
Washington.

Bishop (Anglican) of Quebec to Stanley. Calls his attention to the copies of two documents previously sent, relating to the question between the Churches of England and Scotland in the Canadas. These, he believes, exhibit a just view of the question. 500

January 23,
Lambeth.

Rush to Huskisson. Introduces Sparks, who has a large collection of documents of general Washington, and desires to obtain access to the records in the colonial office. 503

January 25,
Lambeth.

Griffin to Hay. A testimonial from the Society for the Propagation of the Gospel is not sufficient to enable him to hold preferment; according to the Act, it must be from the Secretary of State. 224

January 26,
Lambeth.

Same to the same. How a testimonial to enable him to hold preferment can be given. 225

January 26,
Lambeth.

The same to Huskisson. Had written explaining how the testimonials were given. Complains of the ill treatment he received from Hay when calling at the Colonial office. 227

January 28,
Carnolin.

Same to Hay. Demands an apology for the treatment he received. If justice is not done him he will appeal to Parliament. 230

January 28,
London.

Rev. Thomas Featherston to Colonial Secretary. How can a small sum of money be sent to a settler in Canada? 198

Parker to Huskisson. Wrote respecting the differences between the Executive Government and the Legislative Assembly of Lower Canada and the dangerous consequences that might flow therefrom; not having learned if the letter was received, sends a copy. Since then the breach has been widening and the affections of the French Canadians alienated, who had been before that most loyal. The importance of retaining their loyalty, seeing among other reasons the position of Lower Canada and the small proportion of the rest of the population. The discontent

1828.

caused by the judicial and other offices being given to that part of the population exclusively, whilst brilliant young French Canadians are capable of filling any situation from their education and other qualifications. Page 443

January 29,
Lambeth.

Enclosed. Copy of letter of 27th September on the same subject. 448
Griffin to Hay. Has important communications to make respecting the corrupt state of the ecclesiastical and civil affairs of the North American colonies and the treatment to which Englishmen are subject to there. 232

January 30,
London.

Margaret Mullins to the same. Asks for a passage to Quebec. 372

January 31,
New York.

Buchanan to Talbot. Asks him to represent to Stanley, that he (Buchanan) had received no remuneration for his services, in forwarding emigrants to Canada. Bathurst gave orders to grant him land for his family, which he intended to improve, but as he was non resident, he could not get it as it was against rule. It might be a good rule, but as he had adopted Canada for his home and was still working for its benefit, it seems harsh and unkind. One of his sons and his eldest daughter are in Canada and his other sons are following. He wants to make a home in Upper Canada, and asks for 1,200 acres in Toronto. He has two brothers in Lower Canada, and after he has sent 8,000 emigrants to Canada, he feels mortified that he cannot obtain an acre. 66

February 4,
Montreal.

Memorial by Mondelet, stating the offices he held and his dismissal from the magistracy, &c., praying that he may be granted a situation in the civil government corresponding in point of revenue and honour with those he formerly enjoyed, also, that he may be reinstated in the command of the fifth battalion of Montreal Militia and his son in the rank of major in the same. 389

February 7,
London.

Enclosed. Documents relating to his dismissal. 399 to 441

February 12,
New York.

Brown to Colonial Secretary. Asks for information respecting Daniel McNeil, who received a grant of land in Canada, in 1815. 69

February 13,
Montreal.

Consul at New York to Stanley. Sends report of the moneyed interests of New York State, which he has had printed. Has long wished to collect the expenses of the 24 states, which if added to those of the general government would form an item much greater than the panegyrics of republican economy are aware of. 70

February 22
Quebec.

Burlingham to Davies, M. P. On the culture of hemp as one of the resources of Canada. Other produce commented on. 71

February 24,
New York.

Bishop (Anglican) of Quebec to Huskisson. Strongly recommends for favourable consideration the memorial of Dr. Mills, secretary of the Royal Institution. 501

February 28,
Glasgow Gaol.

James Buchanan to the same. Forwards report on banks and other moneyed institutions in the States. Hopes his allusion to Canada will not be considered improper, indeed as his consulate lay so much along the colonies, he might be considered indifferent to British interests if he took no notice of Canada. The importance to the British empire of the free navigation of the St. Lawrence by the United States. 79

February 29,
London.

Clark to Colonial Secretary. Is in prison on account of Bathurst for the expenses incurred to promote emigration; asks to be reimbursed and to be taken to London to appear before Bathurst and the King. The necessity of sending a few thousand men to Canada for its security. 126

March 3,
London.

Burton to Huskisson. Asks for an interview. 81

March 7,
London.

Brown to Colonial Secretary. Repeats his request for information respecting Daniel McNeil. 82

Gould to—. Giving the personal characters of three delegates from Canada. 207

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1828.
March 7,
Dayswater.

March 8,
Quebec

March 11,
Tadmorden.

March 16,
Reignac.

March 17,
London.

March 17,
Waterford.

March 17,
London.

March 20,

March 20,
Glasgow (laol.

March 22,
London.

March 24,
London.

April 3,
Randalstown.

April 3,
Lambeth.

Elliot to Huskisson. Applies for a free passage for Canada this year again, having been too late last spring. Gives an account of his circumstances.

Page 195

Cochran to Gordon. Has received mandamus for Tascheron, who will not fail to hand over the fees if he has not already sent them. Owing to the negligence of a clerk, the bishop's letter respecting precedence was not sent. Encloses a copy.

128

Stansfield to Huskisson. Applies on behalf of his grandfather, a loyalist, to know if he was entitled to a grant of 200 acres; is it on condition of residing on the land or can that be sold? If the latter, applies so that the benefit might accrue to his grandfather, who is living in England and is old and infirm.

363

Greece to the same. Demands an answer to his letter of 30th November last. Is it intended by the fraudulent statement that a navigable canal is a fortification to deprive him of his land?

203

Admiral Coffin to Hay. Thanks for his kindness about the Magdalen Islands. Has sent memorial by his relative, Coffin, who goes to America at the end of this month.

163

Aylward to Colonial Office. Offers his services as a clerk or in any other capacity, being well acquainted with Nova Scotia and New Brunswick.

44

Memorial of Admiral Coffin for the transfer of the Magdalen Islands to Nova Scotia, as he is unable to get justice from Lower Canada in regard to his claims as proprietor.

154

Enclosed. Hector Coffin to Admiral Coffin. Had proceeded to the Magdalen Islands on which the people refused to accept leases short of 999 years, fixing the rent themselves; their distance from the control of the law encourages them in their position.

158

Dalhousie to Admiral Coffin. The Magdalen Islands are too far off to be under the control of the law. Suggests that they be placed under the jurisdiction of Cape Breton.

162

Clark to Huskisson. Enlarges on his hardships.

132

Same to———. Is surprised that Bathurst did not leave money adequate to pay him for his trouble in the United Kingdom and in North America. His long imprisonment; some steps should be used for his liberation.

129

Admiral Coffin to Hay. His relation leaves town for Liverpool next Thursday. Should Huskisson or he wish to see him he will attend on receiving a summons.

164

Wilson to Huskisson. Sends copy of a grant of land in Quebec to Samuel Holland and of a deed of sale by Frederick B. Holland of that part of the property now used by Dalhousie as a garden. This was bought in May, 1820. By the terms of the grant should any part of the land be reclaimed compensation was to be made; it is to obtain that compensation he now writes.

533

Memorial by Agnes Thomson or Dowell, that her father was at the siege of Quebec, where he was disabled and discharged, and received a grant of 51 acres, called Abraham's Plains. Died on his return to Ireland, and the land reverted to the Crown. Asks if there is any record of the grant.

527

Griffin to Huskisson. Having had no answer, he has sent a memorial on the general subject of the Colonies and on the wrongs and injuries of himself and parishioners on the Grand Manan. Sends extracts from a letter written by a magistrate on the abuses in the colonies. He has nearly a cartload of such documents. Asks for an interview.

234

Enclosed. Memorial complaining of the persecution he experienced at the hands of Lieut. Governor Charles Douglas Smith, of Prince Edward Island, and his sufferings on the Grand Manan.

242

1828.
 April 12, London. (The memorial enters into minute details on the subject.)
 Maclaine to Hay. Is there still a regulation granting, according to their rank, land in Canada to officers who had served there with their regiments? Page 373
- April 12. Humanus to Huskisson. Calls attention to the state of the poor, put on board of vessels for New York to be removed from burdening the poor funds. 45
- April 14, London. Alley to Hay. Remarks on the complaints of Rev. C. Griffin, employed by the Society for the Propagation of the Gospel. 47
- April 16, Lurgan. Fullarton to Huskisson. John Marsden, who went to America before the Revolutionary War, embraced the cause of the British government and thereby had his property destroyed. Compensation was allowed to sufferers but Marsden having died none was paid to him. His relatives (poor people) have heard that it still remains unappropriated and desire to know how it should be applied for. 199
- April 22, London. Binham to ——. Applies to have the question addressed by a correspondent settled. 83
- April 25, Dockhead. Enclosed. Application from Sparks & Co., Exeter, to know if Pennsylvania or Pennsylvania is the correct spelling. 84
- April 25, Dockhead. Taylor to Colonial Secretary. Applies for advice respecting property left by his brother in the township of Bathurst and applies for a free passage 529
- April 25, Stamp Office. Stewart to Huskisson. Desires to make a confidential communication respecting the church in Canada. 522
- April 29, Aughirm. Burke to Colonial Secretary. Has government sold land to the Canada Land Company with powers to the company to sell to people wishing to emigrate? 85
- April 29, London. Sparks to Huskisson. Leaves letter from Rush and asks for an interview. 523
- May 10, Stepey Green. Baker to the same. Transmits papers relating to the scientific system of coast navigation, as the St. Lawrence is now undergoing a survey by Bayfield, and it is intended to erect lighthouses to improve the navigation. In fogs these would be useless; he therefore proposes reporting buoys, which could be heard at a distance of 4 or 5 leagues. Submits the proposal for serious consideration owing to its great importance not only to the coasts of Great Britain, but to those of the colonies, by which thousands of lives and property of an incalculable amount would be saved. 86
- Enclosed. Prospectus by Michael Logan of a new system of coast navigation, with a plan. 90
- Baker to the Trinity Corporation, Quebec, referring to an offer made two years ago to lay down marine and reporting spire buoys in the St. Lawrence. Since then Logan has been joined by others, and in consequence of applications of persons interested in Canadian trade, masters of ships in that trade have been invited to examine the system. Proposes, if approved of, to have a marine or spire buoy moored in the angle of the Traverse. How these should be worked. The cost and duration of the buoys; terms of payment. 98
- Certificate by shipmasters of their satisfaction at the decided superiority of the scientific system of coast navigation by Michael Logan over the plans now in use. 103
- May 12, London. W. E. Logan to Hay. Hart Logan left town on Saturday. Hay's note of 10th will be forwarded to him. 367
- May 14, London. Grant to Huskisson. Sends petition from Presbyterian inhabitants of Upper and Lower Canada. 210
- The petition is marked as "missing."

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1828.
May 14,
Dumfries.
May 10,
London.
May 22,
Paris.
May 24,
London.
June 3,
London.
June 6,
Lambeth.
June 9,
London.
June 16,
Clonmell.
June 20,
St. Eustache.
June 21,
London.
June 24,
Walworth.
July 30,
Spital elds.
- Margaret Palmer to Huskisson. Asks for information respecting her husband's uncle, who must have left a considerable property, he having been governor of North Carolina. Page 453
Admiral Coffin to the same. Is there any prospect of his memorial being considered this year? 165
Roux to Colonial Secretary (in French). When a charter was promised to the Seminary and permission given to recruit in France priests and especially professors capable of forming good scholars, he returned to France with the object of obtaining them. He has engaged several, but as letters from Montreal oblige him to return as soon as possible, he could only take with him those collected in Paris, whose names follow. He sails from Havre on the 1st June, and as he cannot obtain by that time the authorisation to be presented to the Governor, asks that it be sent direct to Quebec. 505
Gordon to—. Asks for leave to examine the statutes of Lower Canada to find the law fixing the date of majority at the age of 21. 211
Gore to Huskisson. His kindness in appointing Daly to be provincial secretary, likely to be defeated by the opposition of Dalhousie. Asks that steps be taken to secure Daly in the office. 212
Griffin to Murray. Sends copy of memorial to the Society for the Propagation of the Gospel and a refutation of the falsehoods of persons in the defence of that Society, which, with his petitions to Parliament, will give some idea of the monstrous abuses in the civil and ecclesiastical affairs of the colonies. The Church in the colonies is rich in pastors but poor in flocks. If the members of the Church are such as they are represented to be, why do they not support it. He denounces as tyrants the Society for the Propagation of the Gospel, which has persecuted him for speaking the truth. 314
Enclosed. Extracts from Everett's speech on the 4th July, 1826, which has been widely circulated through the Colonies, urging the idea of independence on the part of the Colonies. 317
Copy of memorial. Only the last paragraph, the rest being the same as one to Huskisson. 319
Address by Griffin to the committee of the Society for the Propagation of the Gospel defending himself from charges made by Rev. Mr. Hamilton. Sends numerous extracts from newspapers to prove his charges of corruption against the ecclesiastical and civil authorities. 322
Parker to Murray. The civil government of the Canadian provinces being under consideration, sends copies of letters addressed to his predecessors. 454
Enclosed. The letters sent to previous Colonial Secretaries. 455, 457
See also 443 and 448.
Mary Reardon to Colonial Secretary. Sends a letter to be forwarded to Quebec. 507
Attrill to Bathurst. States his services in the Navy, and his having received an acting order as purser. Should promotion take place, asks that the order be confirmed. 63
Addison to Hay. A friend of his has received dubious news of the death of his brother Thomas Wilson, who had gone to Quebec. Asks for information whether the report be true or not. 65
Taylor to Murray. Offers for sale a book for £10, which will throw light on the boundary dispute between Canada and the United States. The title of the work is attached: "Histoire de la Nouvelle France" published in 1609. 531, 532
Hart to Hay. Applies for leave to inspect the letters patent or the official account of the conditions, boundaries, &c., of the townships of Potton and Sutton, granted 16th May, 1817, the lands there being now for sale. 365

1828.
August 4,
London.

Memorial of Rev. M. Brennan. That after being trained at Maynooth and serving as a clergyman, he has now left the Church of Rome and desires to emigrate to Canada and asks for a free passage. Page 105

Attached. Memorandum that there are no means of giving him a free passage, but that the documents in his favour shall be sent to the Bishop of Quebec. 107

Enclosed. Denison to Brennan. Thanks for pamphlet. Has sent letter to Hay, under Secretary of State for the Colonies, and said all he could, in his favour. 108

Brennan to ——. Dawson being from home, sends memorial with Dawson's letter and other papers. He has suffered much persecution and desires to go to Canada. 109

August 12,
Welton.

Wilkins to the Colonial Secretary. Had applied for and received admission of the justice of his claim for the loss of 5,532 acres granted to his father, but was informed that there was no fund to compensate him. Asks for a pension as compensation. 539

August 14,
Quebec.

A. C. Buchanan to Hay. Has arrived at Quebec, Dalhousie being absent had notified his secretary that he had arrived as resident agent for settlers. During Dalhousie's absence he (Buchanan) collected all the information possible that might assist him in his duties. His cordial reception by Dalhousie, who concurs generally in his suggestions. The great influx of emigrants to the United States, including paupers, respecting the latter of whom there is great exasperation. Hopes a plan for emigration may present itself worthy of government and of the parish authorities by which emigration could be diverted to the colonies. Remarks on the season's work given at great length. 110

August 18,
Reigate.

Greece to Murray. Has received letter that he can have no other answer than that sent him by Wilmot Horton on 27th December, 1826. That answer was intended to defraud him of his property. Charges also the Governor and Executive Council with inventing a pretence to defraud him of his lands. For the punishment of such conduct refers to the 1st and 2nd books of Kings. 214

August 19,
Liverpool.

Laurence to Colonial Office. Can British goods sent to New York be exported thence to British colonies, or must they go in British vessels? 369

August 21,
Quebec.

John Ramsay to Hay. The "Challenger" has not yet arrived although a vessel was spoken on the 16th July, supposed to be the "Challenger" so that she is expected in two or three days. Addresses are being prepared for presentation to Dalhousie on his departure, both at Montreal and Quebec, the latter to be very detailed. Both will be very numerously and respectably signed. 508

August 23,
Montreal.

Mrs. Bowes to Murray. Writes on behalf of her father, who from his age and loss of sight cannot advocate his own cause. The hardships he will suffer by the proposed reduction of his income, which Dalhousie has not carried into effect till he shall have received further instructions. The services and sacrifices of himself and his father, Sir William Johnson. 117

August 25,
Clare.

O'Halloran to Colonial Secretary. How can he transmit a letter to the Governor of the British settlements in North America respecting a soldier, his son, who it is conceived, settled on the land granted him? 442

September 1,
Quebec.

Memorial of Chief Justice Sewell. States his services and prays for a grant of land. 524

September 4,
Whitechapel.

Mrs. Brown (daughter of Thomas Powis) to Murray. Her unprovided for state owing to the losses sustained by her father. 122

September 6,
Quebec.

Memorial of Mills, Secretary of the Royal Institution. Refers to petition sent in February last respecting his claim to salary and arrears. Calls attention to the promise made him of receiving the salary of the teacher

1828.

of the grammar school of Upper Canada, which had been given to another. Reasons of priority, &c., to entitle him to receive the salary. Page 374

Enclosed. Copy of minute of the Board of the Royal Institution on the subject of the application for a salary to the secretary. 380
(Other minutes, petitions &c., follow.)

September 12,
London.

Memorial of John Wright on behalf of John Jacob Astor for access to the reports of the commissioners on the claims for losses of the loyalists for proof that no compensation was made to the children of Colonel Morris, entitled in fee simple to lands in Dutchess County in the State of New York. 541

October 1,
London.

Latham to Hay. Would the produce of a French colony in Africa landed at either Halifax, Quebec, or the ports of Newfoundland from a British vessel for reshipment to England, also in a British vessel, be subject to any duty in the colony. 370

October 5,
Reigate.

Grece to Murray. Demands a decision whether he can answer, or if he flatters himself that he (Grece) like a petitioner for favour will retire in silence. He demands no more than justice. 217

October 8,
London.

Davies to the same. Sends document which has just reached him. 178

October 10,
Reigate.

Grece to the same. Has received letter dated the previous day which evades the question by a reference to the unlawful and swindling letters of his predecessors. Is in no respect his inferior, except as regards the transitory exaltation the sovereign had conferred and is his superior in all honest ways. Means to publish the whole correspondence relating to this fraud and plunder. 219

October 20,
London.

Campbell to Murray. The grievances have arisen from the Act of 1791, which, although liberal and well meant, was not adapted to the geographical situation of the country, nor to the peculiar state of the population. In the first case there was the want of a port of entry for the upper province and for the other the arrangement was by many years premature for the lower province, by giving almost universal suffrage. The irreconcilable differences in the character of the respective populations, the constitution placing the power in the hands of the most numerous, excluding the other part from any effective share in the representation and who are consequently driven to the Executive government and Legislative Council for the enjoyment of their rights. This injustice can only be remedied by a change in the qualifications of elector and elected. The nature of the change proposed. How the change would beneficially affect legislation. The benefit of English law is already secure to the Eastern Townships, and only a court is needed to enforce that law without waiting for any alteration in the constitutional Act. But the great remedy for all complaints is an almost total alteration in the Act 31 George 3, involving either reunion of the two provinces or a different boundary line, giving the port and island of Montreal to the Upper province, which would involve many changes. The Crown and clergy reserves should be sold and the proceeds applied to education and not for any clerical purpose, giving an equal chance for all religious denominations to stand or fall by their own exertions. This would also make all churches more useful and tend to allay discontents. Is satisfied that by the 31 George 3, the clergy reserves were intended for the two national churches, and had this been acted on from the beginning, no question would have been raised. Is satisfied that the revenue raised under the Act 14 George 3, is at the disposal of the Crown, but for provincial purposes. The embarrassment that would be caused by giving up the rights of the Crown in this respect, as in that case application must be made to the Assembly which is liable to be under the influence

of artful and designing men. The little dependence to be placed on the stability of decisions by Colonial Assemblies. Had the committee understood this, it would not have recommended placing that particular revenue under the control of the Assembly. The concession can be easily made but cannot be recalled, and if given to Lower Canada, it must be extended to all colonies. It is a measure requiring great deliberation and would become unnecessary were the alteration in the Act of 1791 to be effected. The sweeping charges against the governor in chief and other executive and judicial officers were made to secure complete power in all legislative and judicial functions without control. The mode of appointing sheriffs should be changed. How the Charter of the University of King's College could have been improved. Page 134

Colpoys to Murray. Calls attention to the case of Sir John Johnson, for which he asks a favourable consideration. 145

October 24,
Bishop
Waltham.

October 30,
Loughrea.

November 4,
Roydon.

November 14'
Inner Temple.

November 20,
Niagara.

November 20,
London.

November 20,
Niagara.

November 23,
New York.

December 1,
Jersey.

December 12,
Birmingham.

December 17,
London.

James Daly to the same. Interposes on behalf of his relative, Dominick Daly, who fears that he is to be removed from his office. 189

Darling to Murray. Asks that a letter be forwarded to Kempt with the dispatches from Downing Street. 190

Cameron to Hay. Darling is at Lady Margaret Cameron's and will forward a letter which reached last night. 148

Memorial of the widow of William Claus. States the services and losses of her father-in-law and husband, and prays for a pension which after her death she prays may descend to Catherine Gale, her late husband's daughter, widow of an officer of the 41st regiment. 149

"Memoranda on some of the points mentioned in General Darling's report on the Indian Department in the Canadas, submitted for Mr. Hay's consideration." The document is signed by Darling, who does not press the observations contained in it officially. 179

(The report deals chiefly with the steps to be taken towards the education of the Indians, and to encourage their desire for agriculture.)

Enclosed. Copy of Haldimand's proclamation that the Mohawks or Six Nations are to be settled on the Ouse or Grand River. 187

Warren Claus to Murray. Writes on behalf of his widowed mother for favourable consideration for her memorial. 152

James Buchanan to Hay. Sends receipt for dispatches forwarded for Kempt. How dispatches should be sent for Upper and Lower Canada. 124

Enclosed. Receipt. 125

Philjean to Colonial Secretary. Would government encourage the culture in Canada of an article useful to government by pecuniary assistance which would be repaid in a short time. 366

Admiral Coffin to Hay. His unfortunate predicament in regard to the Magdalen Islands. It is hard at his time of life to be deprived of his only property by refugees from St. Pierre and Miquelon, not British subjects. Asks that Murray's attention be called to his memorial. Transmits letter from his agent at Quebec. 166

Enclosed. Hector Coffin to Admiral Coffin. The islands will never be worth anything till a small armed force is stationed there, a gaol built and courts of justice in some shape established. Their subjection will be more easily secured under the nearest government, that of Nova Scotia. Government should be urged to make this change and to station a company of soldiers on the islands for two or three seasons. He has been obliged to deposit the expenses of the opponents in the court. "In fact they harass every way in their power." 167

Drury to Hay. What situation does Nicholls hold under government in Canada, and what is his address? 191

1828.
December 22,
London.

Parker to Murray. Sends observations of John Neilson, which are worthy of serious attention. Page 459

Enclosed. Neilson to Parker. The report of the committee was well received and restored confidence diminished by the long mal-administration of Dalhousie. The popular feeling is in favour of Kempt, as it is in regard to all new governors. How he gets on will depend on his conduct. So much feeling was excited against the late administration that everything that smells of it stinks in the public nose. Is glad to see the Roman Catholic clergy coming forward as friends of peace, particularly under the circumstances of the attempt to take possession of the property of the Seminary. 461

December 26,
Royton.

Darling to Murray. Had received notice of reduction in the Indian department in which he is included, which has caused him much concern. This unexpected determination will not be without effect on his reputation in the service, his connection with the Indians having been a subject of much discussion. Nevertheless he shall acquiesce without complaint in any arrangement which the good of the service requires, however heavily it may press on him individually. Will be gratified if he should be appointed to any colonial office vacant or to become vacant. 192

December 30,
Quebec.

Sewell to Hector Coffin. Sends copy of petition from the individuals sued. It attacks the validity of the grant, so he has called in the attorney general and asks for funds to meet his charges. 169

Enclosed. Petition from the inhabitants of the Magdalen Islands, stating that their predecessors had settled there in 1773, and asking for protection. 170

No date.

Anonymous to Wilmot Horton. "Observations on the best means of peopling Canada and of preserving it to this Kingdom, till she is able and desires to become an independent state, and of settling her institutions on the principles of our limited monarchy, so that when she becomes an independent nation, she will be a friendly monarchy instead of a fretful and hostile republic." Sends copy of a letter to the Prince Regent written in 1818 on the subject of the above title. 1

Enclosed. An independent English country gentleman to the Prince Regent. Sidmouth, 25th April, 1818. 3

Another letter to the Prince Regent on the same subject, dated Sidmouth, 9th May, 1818, with plans for settlement. 36

A note addressed to the Colonial Secretary states that the preceding letter was with the enclosures addressed to Wilmot Horton, believing him to be in the Colonial Office. 43

Keith.

Mary Forsyth to Murray. Sends a letter for Dalhousie to be forwarded or retained, which ever way it will soonest reach him. 201

Gould, Dourie & Co., to Huskisson. Transmit letter to Grant, respecting Canadian corn, to which they call attention. 204

Enclosed. Various merchants to Grant. Direct attention to the question of the duty on Canadian wheat, as the law imposing a duty of five shillings a quarter is about to expire and no notice is taken of it in the resolutions before Parliament. They were in hopes that the law would be made permanent and they still hope that a measure would be proposed as an act of justice to Canada. Call attention to a memorial on this subject addressed to Dalhousie. 205

McGrath to Colonial Secretary. Asks that a letter sent be forwarded. He has sent several letters to his son, which have not reached; hopes this one will be received. 371

Statement of particulars relative to Ryland's accounts and commission as treasurer for the Jesuit estates, &c. 509

Enclosed. Correspondence between Ryland and Stewart. 519

1828.
No date.

Stanley to Hay. Returns Buchanan's note and pamphlet. Wishes that no more correspondence may be sent to him addressed to him on public business, unless it contains partly private business which requires a personal answer. Desires to see letters from the Bishop of Quebec. Page 521

Thomas Turner to Colonial Secretary. Could Fanny Barlow, a young woman of 21, be allowed to go as an emigrant to any of the British Colonies. Her qualifications. 528

Newsham.

Wilson to Murray. Respecting his situation and qualifications as an emigrant to Canada and asks for a passage. 535

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STATE PAPERS--UPPER CANADA.

Lt. Gov. SIR P. MAITLAND, 1824.

Q. 335-1.

1824.
January 2,
York. Maitland to Wilmot Horton. Wishes that nothing should be done in regard to a paragraph in his letter of 20th November about the reduction of the Indian blacksmith employed at York as he has learned that the smith in question and one at Amherstburgh are to be restored. Page 2
Enclosed. Extract from letter dated 20th November in opposition to the reduction of the Indian blacksmith. 3
- January 20,
York. Maitland to Bathurst (No. 111). Sends speech at the close of the session. 7
Enclosed. Speech. 8
- January 21,
York. Maitland to Bathurst (No. 112). Transmits address from the Assembly and refers to his letter of 27th December last, for his sentiments on the claim of the clergy of the Church of Scotland for a share of the clergy reserves. 13
Enclosed. Memorandum on the petition of the clergy of Upper Canada, of the Church of England. 15
Memorial from the Assembly on behalf of the ministers of the Church of Scotland for a share of the clergy reserves. 19
- January 22,
York. Maitland to Bathurst (No. 113). Transmits and recommends joint address from the Council and Assembly on the subject of the importation of tea. 23
Enclosed. Joint memorial that it is impossible to enforce the law as to the importation of tea and the illicit trade has destroyed every benefit expected from it. 25
- February 4,
York. Maitland to Bathurst. Has communicated the decision on Dr. Strachan's memorial. Sends a second memorial by Dr. Strachan on the same subject, and as Dr. Strachan has received leave of absence, sends it by himself, so that from his representations a determination may be arrived at and his (Maitland's) wishes to serve him may be fulfilled, but the condition of the finances of the province will not afford the means fully to satisfy Dr. Strachan's wishes. Means, so far as the ungranted lands in the town and township will admit of, will be taken to restore the rectory of York to its intended value, but the lands for this purpose are few and not equivalent to those alienated, and it will be some time before they can yield any revenue to compensate for the loss. Dr. Strachan has been informed that a solicitation would be made to have paid from some fund at the disposal of the Crown such part of the salary as could not be supplied from the proper source. Submits through the hands of Dr. Strachan a memorandum containing a proposition he thinks worthy of consideration. Dr. Strachan being well acquainted with the state of the clergy reserves has been put fully in possession of his (Maitland's) views. Dr. Strachan's good qualities. 29
Enclosed. Memorial from Dr. Strachan for a measure of relief, the revenue from the lands not being sufficient to carry out Bathurst's intentions in respect to Dr. Strachan's income. 34
Memorandum on the clergy reserves and the evil effects flowing from the want of care to promote religious teaching in the colonies. 38

1824.

Scheme follows for the most advantageous management of the clergy reserves. Page 51

February 5,
York.

Maitland to Bathurst (Confidential). The Assembly has presented a second address on the subject of half pay to the incorporated militia of Upper Canada, which he had forwarded, sends now a memorandum containing a comparison of the composition of the incorporated militia of Upper Canada, and the Voltigeurs of Lower Canada, the example of the latter being chiefly dwelt on. The pretensions that would probably be awakened should the allowance prayed for be granted. The provincial legislature might be empowered to provide for the allowance, but in that case specific means should be provided. 53

Memorandum, on the difference between the status of the incorporated militia of Upper Canada and the Voltigeurs of Lower Canada in respect to their claims for half pay. 55

February 5,
York.

Maitland to Bathurst (No 115). Transmits joint address and resolutions from the Council and Assembly which he recommends to favourable consideration. 62

Enclosed. Joint address from the Council and Assembly, that the remote situation of the western district has occasioned a depreciation in the value of its products. The soil is suited for the growth of tobacco, which being more valuable in proportion to its bulk can better bear the charge of transportation, but a reduction in the excise duty on consumption would be necessary to enable it to compete with that grown in the United States. The increase of population and other benefits that would flow from this measure, which they entertain hopes may be realised. 64

Resolutions on the subject. 68

February 6,
York.

Maitland to Bathurst (No. 116). Had reserved bill for the purpose of making perpetual Acts passed in 1819 for the more equal and general assessment of lands, which Acts were then limited to a duration of eight years, and also to authorize under certain restrictions a sale of a portion of land for the collection of the rate. His Lordship's interest in the question of the remedy to be applied for the improvident grants of land now lying waste and neglected. The difficulty arising from passing any general law; the measure of levying a moderate, but indiscriminate, assessment taken in preference; the Acts, four years in operation, are regarded as extremely beneficial. The general principle of the bill introduced to make the Act permanent was very favourably entertained, although there was much discussion on details, the opposition coming chiefly from four members who were the largest land proprietors in the House. The exertions made to defeat the bill in the Council, its passage by a small majority and reservation under the general instruction to reserve all bills affecting the property of persons not usually resident in the province. Discusses the objections brought against the bill, which have not altered his opinion of the necessity of the measure. Discusses various points. The Governor-in-chief has called in Lower Canada for enactments to facilitate the confiscation of tracts allowed to lie without improvement, a measure more rigid than that under consideration. 71

Enclosed. Copy of the bill in question. 81

Schedules follow. 102

Form of assessment. 105a

Memorandum of the Lieut.-Governor to the Executive Council with regard to assessment. 107

Remarks by Clark on the bills with observations by J. B. Robinson. 117.

Table of calculations by Hon. Mr. Clark. 140a

Attorney General's report on assessment bill. 141

1824.
February 7,
York.

Maitland to Bathurst (No. 117). Sends address of Assembly with documents explanatory of a former address praying for half pay for the incorporated militia. Page 161

Enclosed. Explanatory address. 163

Prevost to —, 21st April, 1812. Authorises the levy of a corps of light infantry and voltigeurs. 169

Conditions for raising a corps of light infantry (Canadian Voltigeurs) for the service of Lower Canada. 170

Regulations for the incorporated Militia. 177

Militia General Order, authorising a bounty of ten pounds currency for each recruit; how the bounty is to be paid, etc. 183

February 9,
York.

Maitland to Bathurst (No. 118). Sends joint address of Council and Assembly on the boundary line with the United States in that part of the St. Lawrence in which Barnhart's Island is situated and on the negotiation with the United States for the free navigation of the St. Lawrence. His earnest desire that the representation may receive the most earnest consideration. The unfortunate decision by which Barnhart's Island has been awarded to the United States. The unaccountableness of the award and the impediment caused to navigation. The danger to the province from the possession of this island by a foreign power; if negotiation can be effectual, presses the importance of restoring the channel hitherto enjoyed of right but now reduced to five yards in width by the reported award. If negotiation is unavailable, the only remedy is to cut a canal from the head of the Long Sault to Cornwall. It would not fully indemnify for the other channel in the case of large timber, but would suffice for other purposes, and from the facility the canal would give in ascending the province may not have suffered so materially except from a military point of view. The moderate cost of the canal; a moderate rate of toll would not only pay the interest, but gradually repay the principal as has been the case with the Cedars and Coteau du Lac Canals. A compliance with the claim of the United States would be attended with ruin. 185

Enclosed. Joint address of the Council and Assembly respecting the boundary line at Barnhart's Island. 193

Robert Barrie, acting naval commissioner. Notes on the surroundings in the St. Lawrence on each side of Barnhart's Island and at other points; description of Barnhart's Island. The ground between Cornwall and above the head of the Long Sault is favourable for the construction of a canal which would much facilitate the ascent of the river. 199

February 10
York.

Maitland to Bathurst (No. 119). Had communicated to the legislature the dispatch respecting further indemnity for losses sustained by inhabitants during the late war. Sends joint address from the Council and Assembly expressive of their gratitude for His Majesty's donation, also copy of joint resolutions on the manner of providing the means for further indemnity; a copy was sent to the Governor in chief to be laid before the legislature of Lower Canada for concurrence in raising the duties therein specified. 206

Enclosed. Joint address of Council and Assembly of thanks for the munificent donation of £57,000 for relief of sufferers by the late war. Trusts His Majesty will approve of the measure for further indemnity. 208

Resolutions respecting losses by the late war. 210

Resolutions for raising means to indemnify the sufferers. 215

February 23,
York.

Maitland to Bathurst (No. 120). Reports of the success of Robinson in settling the emigrants he brought out; their good conduct. Believing that it is intended to continue the present system, he had deferred the project of opening a communication between Richmond landing on the Ottawa and the eastern waters of Lake Simcoe which he had been

1824.

authorised to pay for from the military chest, an expense that may be dispensed with as it can be accomplished by further emigration.

Page 217

February 25.

Maitland to Bathurst (No. 121). But for the exceptional circumstances would not have submitted the accompanying correspondence. Had done all in his power to avoid so unpleasant a necessity. In transmitting the bill to render permanent the assessment laws, he desired to accompany it with every explanation that could put government in possession of all the reasons for and against the bill. The Chief Justice having legal objections to the bill was asked to put them in writing. The letter contains little applicable to the merits of the bill; the most of it relates to his own conduct in respect to it which was not needed, but which was designed to reach the quarter to which the letter was to be sent. Summary of the complaints against the lieutenant-governor. His surprise at receiving such a letter which was wholly foreign to the object for which he had desired a communication. To save Powell from such a letter being sent he had addressed a note to him and subsequently another, but without effect. Denies all the charges made by the Chief Justice who had always free access to the lieutenant-governor. It was understood that strenuous opposition was to be made in the Legislative Council to the assessment bill by two members who were large land owners and that the Chief Justice was aiding the opposition by suggestions and insinuations rather than by argument openly used. The suspicion this conduct had raised as to the sincerity of the attempt to pass the bill and the means taken to put a stop to this conduct. The avoidance by the Chief Justice of an open discussion of the bill with other members of the Council. Report of proceedings at interviews with the Chief Justice and the proceedings of the latter with respect to the assessment bill.

220

LT. GOV. SIR P. MAITLAND, 1824.

Q. 335-2.

1822.

October 12,

Bathurst to Maitland. Enclosed in Maitland to Bathurst (No. 140) of 15th May, 1824.

1824.

January 22,
York,

Chief Justice Powell to Maitland. His objections to the assessment bill, reserved by him (Maitland) out of deference to his (Powell's) objections.

Page 236

January 23.

Maitland to Powell. His objections to statements in a paper intended to give information to His Majesty's Government.

240

February 10,
York.

Hillier to the same. In sending the reserved assessment bill, Maitland has sent extract from Powell's letter containing legal objections to it. The statements as to his personal feelings were not asked for and cannot be sent. The lieutenant-governor desires to know the object of sending such a statement.

241

February 11,
York.

Powell to Hillier. States the object of his communication which was designed to be respectful and veracious. Is sorry it was not so considered; had received the censure in respectful silence.

243

February 26,
York.

Maitland to Bathurst (No. 122). Transmits royal and trade instructions under which he is acting as lieutenant-governor with remarks.

246

March 4,
York.

The same to the same (No. 123). Transmits report of the Chief Justice on the case of Mary Thompson, tried and convicted of murder, respited in consequence of doubts as to legality of the proceedings at the trial.

247

Enclosed. Chief Justice Powell to Hillier. Report of the proceedings at the trial of Mary Thompson, convicted of child murder.

250

1824.
March 3,
York.

Maitland to Bathurst (No. 124). Transmits abstract from the docket books of the auditor of land patents. Page 257

UPPER CANADA.

ABSTRACT from the Auditor's Docket Books of Grants of Land which have passed the Great Seal of the Province between the 1st day of January and the 31st day of December, 1823, inclusive, showing the Number of Grants of each Class made in each District, and the Gross Number of Acres granted.

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.	
Home	County of York.	4	50	200	14,330	101	34,918	
		67	100	6,700				
		25	200	4,400				
		1	210	210				
		3	300	900				
		1	420	420				
	3	500	1,500					
	County of Simcoe.	9	50	450	20,587	65		
		1	71	71				
		1	74	74				
		28	100	2,800				
		1	107	107				
		13	200	2,600				
		1	207	207				
1		216	216					
1		355	355					
1		373	373					
1		400	400					
1		414	414					
1		700	700					
1		800	800					
1		1,800	1,800					
1		2,400	2,400					
1		3,248	3,248					
1		3,572	3,572					
Town of York.	1	1	1	1	1			
Eastern ..	County of Glengarry.	6	100	600	1,034	9	1,706	
		2	117	234				
		1	200	200				
	County of Dundas.	3	200	600	600	3		
	County of Stormont.	1	130	130	130	1		
	Town of Cornwall.	2	1	2	2	2		

1824.

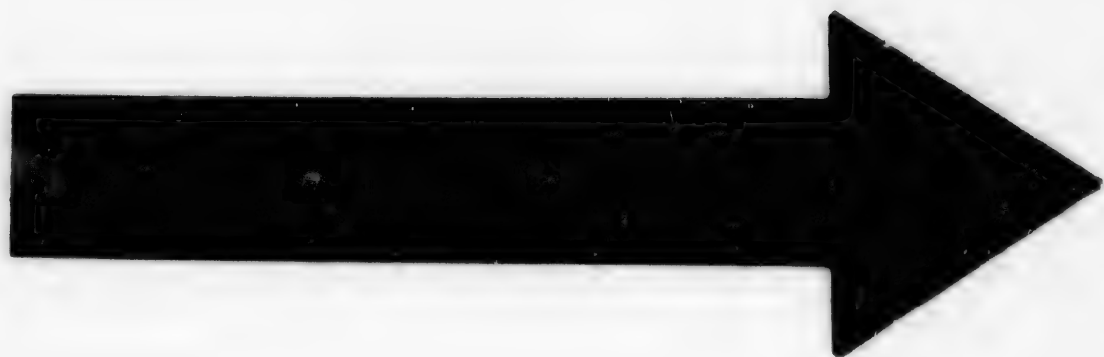
ABSTRACT from the Auditor's Docket Books of Grants of Land—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Ottawa.....	County of Prescott.	3	50	150			
		12	100	200			
		4	200	800			
		1	247	247			
		1	300	300			
		2	400	800			
		1	429	429	7,026	21	
		3	500	1,500			8,826
		1	594	594			
		1	606	606			
		1	800	800			
		1	600	600			
	County of Russell.	2	100	200			
		5	200	1,000	1,800	8	
		1	600	600			
Johnstown...	County of Grenville.	1	100	100			
		1	104	104			
		1	450	450	1,504	1	
		1	850	850			
	County of Leeds.	3	50	150			3,614
		2	100	200			
		1	160	160			
		2	200	400	2,110	10	
		1	500	500			
		1	700	700			
Bathurst.....	County of Carleton.	1	75	75			
		1	80	80			
		6	100	600			
		1	195	195			
		3	200	600			
		1	228	228			
		1	263	263			
		1	280	280			
		1	355	355	12,598	26	12,600
		1	492	492			
		1	500	500			
		1	600	600			
		2	800	1,600			
		1	930	930			
		2	1,200	2,400			
		1	1,600	1,600			
		1	1,800	1,800			
Niagara.....	Town of Perth.	1	1	1	23	3	
		2	1	2			
	County of Lincoln.	3	100	300			
		2	200	400	700	5	723
	Town of Niagara.	1	1	1			
		1	22	22	23	2	
Gore.....	County of Halton.	44	100	4,400			
		66	200	13,200			
		2	300	600			
		1	400	400	23,700	122	23,800
		7	500	3,500			
		2	800	1,600			
	County of Wentworth.	1	100	100	100	1	

1821.

ABSTRACT from the Auditor's Docket Books of Grants of Land—1821.

Districts.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Newcastle....	County of Durham.....	34	50			
		13	100			
		5	200	1,400	4,410	54
		1	210			
		1	400			
			50			
		18	100			
		1	175			
	County of Northumberland.....	16	200	3,200		20,450
		1	400	400		
Frontenac....		1	450	450	15,840	57
		1	451	451		
		2	500	1,000		
		4	800	3,200		
		1	1,114	1,114		
		1	3,500	3,500		
		1	100	100		
		1	200	200		
		1	300	300		
		1	304	304	28,352	8
Hastings....		1	410	410		
		1	2,400	2,400		
		2	12,319	24,638		
		1	75	75		
	County of Hastings.....	11	100	1,100		
		12	200	2,400	5,675	27
		1	300	300		
		1	800	800		
		1	1,000	1,000		
		1	40	40		
Midland.....		2	50	100		
		5	100	500		
	Counties of Leeds and Addington.....	1	119	119		
		1	120	120	4,361	14
		1	124	124		
		1	200	200		
		1	1,500	1,500		
		1	1,658	1,658		
	County of Prince Edward.....	5	100	500	900	7
		2	200	400		
Kingston....		1	10	10	1,100	3
	Town of Kingston.....	1	1	1		
		1	10	10		
		4	10	40	3	
		1	10	10		
	Town of Belleville.....	1	10	10		
		1	10	10		
		1	106	106		
	County of Essex.....	1	232	232		
		1	300	300	1,554	5
Western.....		1	400	400		
		1	516	516		
		1	516	516		



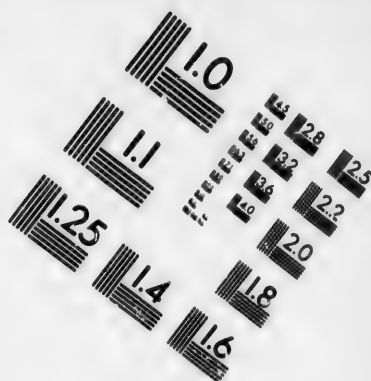
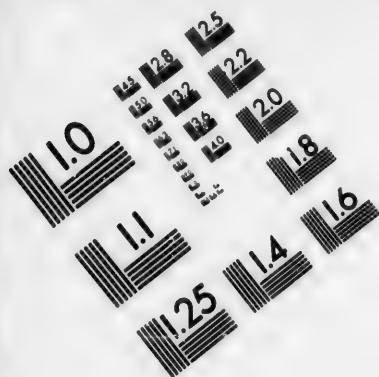
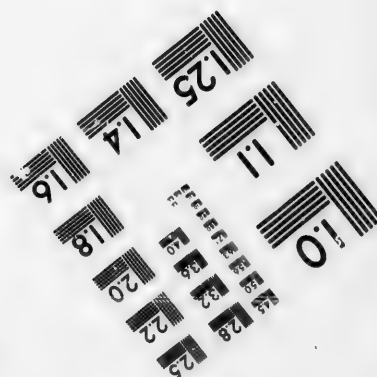
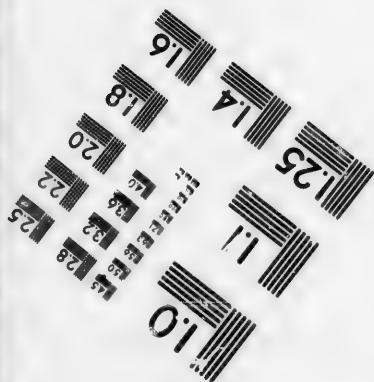
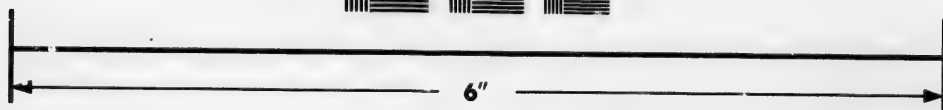
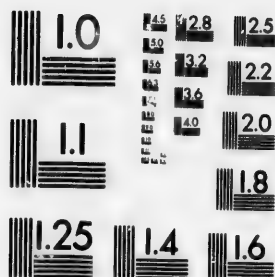


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1824.

ABSTRACT from the Auditor's Docket Books of Grants of Land—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.	
Western	County of Kent..	9	100	900	14,722	40	Acres.	Sq. ft.
		21	200	4,200				
		3	300	900				
		1	400	400				
		2	500	1,000				
		1	550	550				
		1	2,172	2,172				
		1	2,200	2,200				
		1	2,400	2,400				
	Town of Amherstburgh..	sq. ft.	sq. ft.	21,377	2			
	1	9,137	9,137					
	1	12,240	12,240					
London	County of Middlesex..	acres.	acres.		22,625	106		
		1	58	58				
		35	100	3,500				
		1	102	102				
		1	105	105				
		1	160	160				
		53	200	10,600				
		1	300	300				
		1	400	400				
		8	500	4,000				
		3	800	2,400				
		1	1,000	1,000				
	County of Norfolk..	1	86	86	1,286	6		49,621
		4	200	800				
		1	400	400				
	County of Oxford..	3	50	150	25,710	152		
		1	60	60				
		73	100	7,300				
		62	200	12,400				
		5	300	1,500				
		7	500	3,500				
		1	800	800				
Total.....					871	211,877 $\frac{1}{2}$	21,377	

1—Con.

1824.

Total
of Acres
anted.Sq. ft.
21,377

21,377

RECAPITULATION of the within Grants of Land.

Acres and Square feet.	Number of Grants.	Number of Acres.	Grants to Sons and Daughters of U.E. Loyalists.										
			Grants to Surveyors.	Grants to the Militia.	Full Fee Grants.	Grants to Military Claimants.	Gratuitous Grants.	Grants to Provincial Seamen.	Grants where the Fees are suspended.	Grants under special Orders of Council.			
Grants under 100 acres.	95	4,102½	1	3	1	26	5	63		1	1		
" of 100 acres.	332	33,200			177	141	6			2			
" under 200 acres and over 100 acres	15	1,941		3		70	5			1			
" of 200 acres.	298	59,600	190	6	25	2	8			1			
" over 200 and under 300 acres	9	2,093				11	2						
" of 300 acres	18	5,400			4		1						
" over 300 and under 400 acres	4	1,387											
" of 400 acres	10	4,000		1		7	1						
" over 400 and under 500 acres	8	3,516	1	5		5	1		1				
" of 500 acres	34	17,000		2	28								
" over 500 and under 600 acres	3	1,050		1									
" of 600 acres	3	1,800											
" over 600 and under 700 acres	1	606											
" of 700 acres	2	1,400											
" over 700 and under 800 acres	15	12,000		1	1	3	1						
" of 800 acres	2	1,780											
" over 800 and under 1,000 acres	2	2,000	1							4			
" of 1,000 acres	2	5,000											
" over 1,000 acres	18	58,402	15			2	1				2		
		211,887½											
Grants under 1 acre in square feet	2	21,377 sq. ft.				2							
Total Grants.	871	Acres 211,877½	193	43	247	279	23	65	1	17	3		

1824.
March 9,
Queenston.

Maitland to Bathurst (No. 125). Had sent list of premiums before receiving instructions. Being published too late for advantage to be taken this year had suggested to the Society of Arts to continue the premiums for the cultivation of hemp and for the extirpation of stamps.

Page 259

March 10,
Queenston.

The same to the same (No. 126). In reference to detailed information wanted for the civil estimate for 1823, sees no reason to change that for the ensuing year, but there are two persons receiving allowances, not residents, who may die unknown to the provincial Government. 261

March 11,
Queenston.

The same to the same (No. 127). Has received dispatch with instructions for future correspondence with the Colonial Department. 263

March 13,
Queenston.

The same to the same (No. 128). As the details of the emoluments of public officers for 1822 may not be in his (Bathurst's) hands so early as desired, states that no material difference can exist between the returns for that year and those for 1821 which were sent in detail. 264

March 15,
Queenston.

The same to the same (No. 129). States the case of John Hartford, guilty of treasonable practices during the war of 1812, had removed to the United States renouncing his allegiance, and has now returned after the time limited for prosecution had expired and applied for a patent for a grant of land he had formerly obtained and had improved. Embarrassment as to the course to be followed. Indignation of his neighbours at the prospect of Hartford being reinstated in his land which had been granted to Lieut. McIntyre on a licence of occupation. 266

Enclosed. Petition of McIntyre to Gore for the lot for which Hartford had obtained an order of the Council and made some small improvements. Petition addressed to Gore, dated 21st November, 1816. 271

Notice by the Council to Hartford to appear in person and take out his grant or it will be forfeited. The resolution of the Council follows. 273

Memorial of McIntyre, stating his services &c., addressed to Maitland. 275

Petition of the field officers of the Gore Militia on behalf of McIntyre. 279

* Proceedings upon John Hartford's case. 281

Attorney general's opinion upon John Hartford's case. 283

Report of Council that the patent should issue to John Hartford in terms of the attorney general's opinion. 284

April 1,
Queenston.

Maitland to Bathurst (No. 130). Transmits report of commissioners on internal navigation, but it must not be supposed from the preliminary measure that the province possesses the means or has sanguine hopes of being able, without outside help to undertake works of such magnitude, but it must be satisfactory to His Lordship to know that attention was addressed to such objects and it would be gratifying were His Lordship to devise some means to countenance and support exertions too disproportionate to the revenues of the province. 285

Enclosed. Report of the Commissioners. 288

Supplementary report. 322

April 14,
Queenston.

Maitland to Bathurst (No. 131). Sends draught of bill; asks that it be sanctioned so that it may be passed in the provincial legislature, thus relieving the Executive Council of difficulties respecting the navigation laws. Explains the nature of the difficulties some of them arising from the difference between Imperial and provincial Acts, the navigation sought to be relieved being inland and not affecting Atlantic navigation. 324

Enclosed. Copy of the proposed Act. 331

Report of the attorney general (J. B. Robinson) on the effects of the navigation laws and the difficulties caused by the seizure of vessels by collectors in virtue of the old law, which he (Robinson) holds to be applicable to and in force in Canada. 336

1824.
April 20,
York.

Maitland to Bathurst (No. 132). Sends memorial from Joseph Spragge, schoolmaster at York. Cannot in his case set aside the rules as to grants, but recommends that he get 500 acres, subject to the expenses of the patent only. Page 350

April 21,
York.

Enclosed. Memorial of Joseph Spragge for a free grant of lands. 351
Maitland to Bathurst (No. 133). Reports the case of Angell, whose application for land was not acceded to, he having been removed from the service owing to causes not creditable to him. 353

April 22,
York.

The same to the same (No. 134). Instead of a grant of lands reserved for the St. Regis Indians being granted to William McGillivray, he has been given 6,000 acres in the township of Plantagenet. As McGillivray is solicitous to be put in possession without delay, asks if he is to issue the deed without waiting for the fulfilment of settlement duties. 356

April 23,
York.

The same to the same (No. 135). Small, clerk of the Crown and Pleas, handed him (Maitland) a dispatch on the subject of a memorial for clerks and stationery presented by Small on account of the reduction of fees. Had submitted the memorial to the judges on their return from circuit and transmits their report. A motion in relation to the reduction was made in the Assembly, but dismissed, as was a similar motion in the session of 1823. 359

Enclosed. Report of the judges, the summing up of which is as follows: "Nothing is done in the office of clerk of the Crown and Pleas without a competent charge to the public or individual and the allowance of clerk's wages and other items to a large amount appear as incompatible with an office in which nothing is done gratuitously." 362

May 11,
Queenston.

Maitland to Bathurst (No. 136). Has received circular respecting duties to be levied on American vessels in colonial ports to meet a similar duty imposed on British vessels in American harbours. This has already been provided for as far as regards Canada. The validity of the other object, that of imposing ten per cent additional duty on goods from the United States can be inferred from the order in council, but he is advised that it would not be safe to strain it as the clause of the Act refers to particular ports. 366

May 12,
York.

The same to the same (No. 137). Orders have been given, according to instructions, to enter a Nol. Pros. on the indictment preferred against John Macdonald for high treason. 369

May 13,
York.

The same to the same (No. 138). Transmits memorial from Baby, inspector general of public accounts, and the documents which accompanied it and recommends the petition to favourable consideration. 371

Enclosed. Memorial for arrears of salary being only paid £182 10s. currency as provided by the first appointment, which was joined to other offices, instead of £365 as settled by Sir Gordon Drummond. 373

Extracts from letters from Sir Gordon Drummond and Lord Bathurst, dated in 1814. 375, 376

April 14,
Queenston.

Maitland to Bathurst (No. 139). Sends additional information in respect to the proposals of the Laird of McNab to bring out emigrants. Understands that the feeling in the Colonial office is rather favourable than otherwise to McNab's proposal. The desire of his people in Scotland to emigrate to Canada. Had consented to appropriate to them a township on the Ottawa on certain conditions of which he sends copy; the class of people the McNab proposes to bring are most desirable settlers, and the land could not be better disposed of, and if he fail it can be easily resumed by government. The question of this settlement had, as the attorney general remembered, been discussed informally, but as there was nothing in official shape before Mr. Wilmot Horton it may not have been impressed on his mind. 378

1824.

May 15,
Queenston.

Enclosed. Report of a committee of Council on the application of the Laird of McNab for a grant of land. Page 383

Maitland to Bathurst (No. 140). Is afraid that he has deviated from the usual course of establishing fees on grants of land. The method of making grants explained; the expense caused by the influx of emigrants obtaining gratuitous grants. The desire to raise a fund for defraying this expense. Complaints of land holders as to the effect of the gratuitous grants. His establishing the fees without waiting for the opinion of the Colonial Office he regrets, although it was done inadvertently and he was prevented subsequently from giving particular attention to it, but he knew that His Lordship was aware of all the details in time to prevent the measure being put in practice if not approved of. The increase of fees does not affect the emoluments of any public officer, the increase forming, in fact, a part of the Crown revenue, the expenditure of which is accounted for to the Treasury. It was the desire to raise this fund that prompted him to raise not the fees but the price of the land as the name "fees" was apt to mislead, and Hume in charges against the lieutenant governor in the House of Commons made a blunder which was ridiculous owing to not understanding the facts. The amount raised has not been enough to pay the fees for the gratuitous grants. The funds raised by the sale of public land in the United States, which might be taken as an example. Respecting the table of fees for 1819 and 1820, they are not now acted upon having been superseded by Order-in-Council of a recent date. Further remarks on the fees which he had thought Bathurst thoroughly acquainted with from correspondence with Talbot and others. The lands which it is intended to dispose of to create a fund for the advancement of education on which a particular dispatch was sent. Sends an extract of so much of the answer of 12th October, 1822, as relates to the school reserves. 387

Extract from dispatch from the Earl of Bathurst to Maitland, 12th October, 1822, authorising him to take part of the reserves for a university for the support of schools on the national plan of education. 399

Table of fees to be paid on grants of land in Upper Canada, as adopted on 31st January, 1824, on townships surveyed since 1819. 401

Table showing the distribution of fees to the officers of the land granting department under the regulations of 1804. 401a

Table of fees on grants of land in Upper Canada settled in the years 1819, 1820, 1824. 403

June 24,
Queenston.

Maitland to ——. Sends additional remarks on fees on land grants, and suggests that the instructions should correspond more closely with the system actually pursued. Asks that the additional remarks may be added to the notes already transmitted. 404

June 5.

The same to Bathurst (No. 141). Reports the death of Colonel Nichol. His widow petitions for an allowance; recommends her case for favourable consideration. 405

Enclosed. Petition from Mrs. Nichol. 407

Certificates of Colonel Nichol's services. 409, 410, 411

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LT. GOV. SIR P. MAITLAND, 1824.

Q. 336-1.

1824.
June 18,
Marmora.
- July 3,
York.
- July 5,
York.
- July 6,
York.
- July 7,
York.
- July 8,
York.
- July 24,
Queenston.
- July 26,
York.
- Charles Hayes to Maitland. Enclosed in Maitland to Bathurst (No. 145), 7th July.
- Maitland to Bathurst (No. 142). At the request of Mr. Allan, introduces and recommends John Gamble, who is going to lay claim to property at Gibraltar, now in the hands of the ordnance. Page 2
- The same to the same (No. 143). Sends copies of Acts passed at the last session, which closed on the 19th of January. 4
- The same to the same (No. 144). In consequence of the death of Mr. Fraser and the infirmities of four other councillors, recommends the appointment of Thomas Ridout and William Allan to the Council. 5
- The same to the same (No. 145). Submits application from Mr. Hayes proprietor of the iron works in the province for an extension of time for the supply of ballast to the dock yard at Kingston. Reports the extent and respectability of the works at Marmora and the importance to the province of their success. 7
- Enclosed. Charles Hayes to Maitland. Applies for an extension of time for the supply of ballast for the dock yard at Kingston, stating the difficulties he had met with which caused the application to be made. 9
- Maitland to Bathurst (No. 146). Refers to letter of 10th February (No. 119), in which he stated that he had forwarded to Quebec resolutions of the Legislature of Upper Canada relative to providing means for further indemnity to sufferers in the late war for which the concurrence of the Legislature of the lower province was necessary. Has been informed that that legislature has declined to concur. 12
- Enclosed. Resolution of the legislature of Lower Canada declining to concur. 14
- Maitland to Bathurst (No. 147). In consequence of his absence on a necessary visit to the Governor in Chief at Quebec, the Executive Council declined on the plea of his absence to act as a land board. Such an absence has frequently occurred and he cites precedent to show that the duties of the Executive Council as a land board proceeded during such absence. Sends minute of Council in proof of this and dwells on the inconveniences a contrary practice would cause, especially in the case of lieut. governors, who are also in command of the forces, who must be frequently absent. 17
- Enclosed. Extract from minutes of Council, dated 24th August, 1799. 25
- Maitland to Bathurst (No. 148). Transmits petition from Robert Randall, relative to a claim for lands on the Niagara River granted to Mr. Clark in 1816. Sends minute of Council respecting Randall's claim. He has twice unsuccessfully tried to establish it in a court of law. 34
- Enclosed. Plan of the river &c., and lands claimed. 35a
- Petition of Robert Randall to the lieut. governor in Council, dated 11th November, 1798, for leave to erect iron works at or near the Niagara, and a lease for 999 years of a slip of land reserved for government along the Niagara River (limits described). 36
- Survey ordered by Council. 41
- Second petition, of Randall, 14th January, 1799, praying for a revision of the Council's report on his former petition for the privilege of erecting iron works. 42

1824.

Minute of Council, same date, that nothing shall be done to diminish the value of previous grants. Randall to make specific proposals.

Page 44

July 27.
Queenston.

Other documents, deeds, &c. 45, 48, 50, 60, 63, 70, 72, 76 to 133
Maitland to Bathurst (No. 149). Sends report of disturbances at Ramsay on the part of the Irish emigrants. The newspaper reports and other accounts have greatly exaggerated the disturbances and the quiet conduct of the emigrants confirms the view he had taken. 134

Enclosed. Report by the magistrates of the disturbed condition of Ramsay, in the district of Bathurst, and the riotous conduct of the emigrants from the South of Ireland, which renders life unsafe. Details given of the riots which took place; military assistance asked for. 137

Affidavit of three magistrates who accompanied the armed force to the disturbed district. 142

Copies of depositions. 144, 145

Hillier, Secretary to Maitland, to the Magistrates. The governor has ordered a detachment of the troops at Kingston to be in readiness to march to Perth should necessity arise. The persons most active in the riots being apprehended, presumes that peace is restored. Trusts the magistrates have lost no opportunity of impressing on the settlers the folly and wickedness of outrages, there being considerable irritation from one of the settlers having lost his life and others been wounded by the party under the deputy sheriff. The governor's astonishment that this should have taken place in a district possessing so effective a population. The deputy sheriff's report, promised by the magistrates, will, the governor hopes, enable him to discover clearly what necessity existed for a violence which terminated so fatally. Hopes that all concerned in the execution of the laws in the district may bear in mind that whilst violence may be necessary in other countries, it may be wholly inexcusable in the midst of a population obedient to the laws and having abundant means to enforce them. Every possible means should be used by the civil magistrates before recourse is had to armed force. The governor trusts that the magistrates have made a minute inquiry into the circumstances and that an inquest has been held, so that whoever is guilty may be tried for the act. Other considerations. 148

Report of Assistant Adjutant general Fitzgibbon on the result of his investigation respecting the riots in Ramsay. 157

August 2.
Queenston.

Maitland to Bathurst (No. 150). Claus, trustee for the Six Nations, has drawn for their dividend. 173

August 5.
Queenston.

The same to the same (No. 151). Sylvester Earle, a retired captain in one of the provincial corps is now in the United States, but desires to settle in Upper Canada. Asks leave to make him a grant of land. 175

August 9.
Queenston.

The same to the same (No. 152). Has received dispatch from Wilmot with letter from Sir Thomas Ackland that Henry Mathews had been refused a grant of land because he came to Canada by way of the United States. The statement is not true; sends proof that no such refusal was sent. 177

Petition of shipwrights (one of them Henry Mathews) for grants of land. 180

Hayes to Hillier. Recommends John Edwards and his four friends for lands near him. 182

Certificate by James Buchanan, consul at New York, respecting the shipwrights, applicants for land. 184

Proceedings on the petition and recommendation that the petitioners each receive a grant of land. 185

August 20,
Queenston.

Maitland to Bathurst (No. 153). Death of the late Chief Justice Scott and probable resignation of Chief Justice Powell. The necessity in that case of making a suitable appointment, as since the time of Thorpe gov-

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Page 44
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1824.

August 21,
Queenston.August 23,
Queenston.August 24,
Queenston.August 25,
York.August 26,
Queenston.

ernment, has suffered from the opposition of the Chief Justice. Would recommend the attorney general, but he does not wish for the office. Judge Campbell is an excellent man, but his advanced age is an obstacle. Asks Bathurst to select a suitable person. Page 186

Maitland to Bathurst (No. 154). Remarks on reserved bills transmitted on the 21st March, 1823. 190

Enclosed. Reason given by Chief Justice Powell, for opposing the bill for extending the jurisdiction of the district courts. 193

Opinion of Counsel (J. B. Robinson, attorney general), on the bill for extending the jurisdiction of the district courts. 195

Maitland to Bathurst (No. 155). The commissioners on claims for losses during the war having been advised by the attorney general, that the sufferers could not claim for loss of property which was in the United States, he lays the applications of the losses before His Majesty's government. If relief is to be extended to such cases, they will like others be subject to rigid examination. 200

Enclosed. Schedule of papers. 203

The following are the titles of the papers:

No. 1. Report of the Board of Claims on the claim of Mr. Baby for the loss of a mill owned by him in the Michigan territory of the United States, destroyed by the Indians to prevent its being useful to the enemy during the late war.

No. 2. Report of the Board on the case of Mr. John McGregor who claims remuneration for loss sustained by him by reason of the failure on the part of Mr. Commissary Gilmor in the performance of a contract.

No. 3. Report of the Board on the claim of William Jones for loss of property in the Michigan territory of the United States.

No. 4. J. B. Beaugrand for property destroyed by the Indians to prevent its being useful to the enemy in the Michigan territory.

No. 5. Peter McDougall's claim as heir at Law of Robert McDougall for loss of property in the Michigan territory.

No. 6. Case for the opinion of His Majesty's Attorney General for Upper Canada.

No. 7. Attorney general's opinion that the Board of Claims is not competent to award compensation for losses sustained without the limits of Upper Canada during the late war. 203

The papers. 205 to 247

Maitland to Bathurst (No. 156). Refers to the question of licences, for cutting timber for the navy; the sub-contractors having proceeded without communicating with the provincial government. Sends report of the law officers, as there are points worthy of consideration. In the patent the reserve is of "White" pine the licence designates it "Yellow" pine. 248

Enclosed. Report of the attorney and solicitor general respecting the licences to cut timber for the royal navy on the reserved lands. 250

Maitland to Bathurst (No. 157). Has ordered a special report on the claim of John Johnston of Sault Ste. Marie, which he transmits. 260

Enclosed. Report giving the amounts claimed and awarded. 262

Maitland to Bathurst (No. 158). Transmits copy of petition by Joseph Van Orman (Orman elsewhere) and others for leave to dig for iron ore. The opinion of the law officers and the recommendation of the Executive Council. The later law patents contain no reservation of ores except those of gold or silver and as much benefit would result to the province, from the establishment of iron works, asks that approval may be given to the measure recommended by the Executive Council. 265

Enclosed. Petition from the concern of Van Orman & Company, proprietors of iron works at Charlotteville, district of London. 267

1824.

Recommendation of Executive Council that Joseph Van Orman, & Co. be allowed to dig for iron ore. Page 268

Opinion of Counsel (solicitor general) that Van Orman & Co. may be authorized to dig for iron ore. 269

September 28, Maitland to Bathurst. Sends requisition for Indian presents. 272

Enclosed. Return of Indians of Upper and Lower Canada, for whom the presents are intended. 273

Estimate of the presents required for 1825. 273a

October 7, Maitland to Bathurst (No. 159). Has received dispatch respecting application by Henry Powell for land contiguous to grant made to his son. Major Powell (the son) has had no grant; he has bought a house and town lot in Prescott, and all the land there had been taken up. A grant to Brevet Major Powell would be a bad precedent, as he is on full pay and actual employ and it is not judicious to reserve lands for people who are not actually in the province. When Mr. Powell arrives, there will be no difficulty in his obtaining a grant of land. 274

October 8, Same to the same (No. 160). There are precedents to warrant the additional grant of land asked for by Small. He is anxious to obtain two acres adjacent to his property near York in lieu of any other grants. Recommends that his desire may be complied with on condition that he accepts the two acres in lieu of any further grant. 277

LT.-GOVERNOR SIR P. MAITLAND, 1824.

Q. 336-2.

1821.

February 17, Darling to Sir John Johnson. Quebec.

June 4, The same to the same. Quebec.

June 21, The same to the same. Quebec.

July 1, Dalhousie to the same. Montreal.

July 1, Decision of Dalhousie on the appointment of Doucet and on the petition from the Indians of Caughnawaga. Montreal.

1822.

September 13, Extract from Military Secretary's Journal.

1823.

February 6, Darling to Doucet. Quebec.

March 24, The same to Sir John Johnson. Quebec.

April 17, The same to the same. Quebec.

April 24, Sir John Johnson to Darling. Montreal.

April 24, The same to the same. Montreal.

May 14, The same to the same. Montreal.

July 8, The same to the same. Montreal.

August 13, The same to the same. Montreal.

August 30, Darling to Johnson. Quebec.

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Page 268
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1823.
August 30,
Quebec. Darling to Ross.
August 30,
Quebec. The same to Doucet.
September 2,
Montreal. Doucet to Darling.
September 10,
Montreal. Commissioners for the La Chine Canal to Doucet. This and all the
preceding documents enclosed in Maitland to Bathurst, 29th October,
1824.
October 15,
York. Report of Executive Council on the petition of John Small for an
additional grant of land. If the lieut.-governor reports in favour of it
the recommendation will not be without precedent. Page 231
October 25,
Quebec. Darling to Sir John Johnson.
November 4,
Montreal. Sir John Johnson to Darling.
1824.
February 14,
Caughnawaga. Petition of the Indians, with copy of account.
March 15,
Montreal. Sir John Johnson to Darling.
April 15,
Quebec. Darling to Sir John Johnson.
April 15,
Quebec. The same to the same.
April 22,
Montreal. Sir John Johnson to Darling.
April 24,
Montreal. The same to the same.
April 26,
Montreal. Officers of Indian Department to Sir John Johnson.
April 28,
Quebec. Darling to Sir John Johnson.
April 29,
Montreal. Sir John Johnson to Darling.
May 3,
Montreal. Doucet to A. K. Johnson.
May 8,
Montreal. Sir John Johnson to Darling.
May 31,
Quebec. Darling to Sir John Johnson.
June 8,
Montreal. Sir John Johnson to Doucet. This and preceding documents enclosed
in Maitland to Bathurst, 29th, October.
June 15,
Kingston. Barrie to Maitland.
June 24,
York. Maitland to Barrie. Both enclosed in Maitland to Bathurst, 9th October.
July 5,
Montreal. Doucet to Sir John Johnson. Enclosed in Maitland to Bathurst, 29th
October, 1824.
July 13,
York. Small to Hillier. Is willing to take the two acres adjoining his pro-
perty in lieu of additional land from government. 283
July 15. Report by Ridout, surveyor general, on the two acres applied for by
Small. On this report the council decided that the land being held in
trust could not be given to Small till the determination of the trust and,
that he having already had a grant of 1,200 acres must receive the
sanction of His Majesty's Government for any further grant. 285
July 29,
Murray. Bullock to Maitland. Enclosed in Maitland to Bathurst, 29th De-
cember, 1824.

1824.
August 5,
Caughnawaga
August 9,
Montreal.

Petition from the Iroquois of Caughnawaga.

Sir John Johnson to Maitland.

September 2,
Montreal.

Doucet to Darling. This and two preceding documents enclosed in Maitland to Bathurst, 29th October, 1824.

September 11,
Horse Guards.

Taylor to Maitland. Has submitted to His Royal Highness, the commander-in-chief, the correspondence and papers relating to the case of Capt. Vavasour against whom charges have been preferred by a person named Burgess. Severe censure passed by the commander-in-chief, for his (Maitland's) conduct in the case and for breach of military discipline in regard to Dalhousie, who is also censured for not taking measures to put a stop to such disregard of discipline. Page 537

September 22,
Quebec.

Darling to Sir John Johnson. Enclosed in Maitland to Bathurst, 29th October, 1824.

October 9,
York.

Maitland to Bathurst (No. 161). Sends copy of correspondence with the commissioner of the Navy at Kingston, on the subject of a canal between Burlington Bay and Lake Ontario; its importance. 286

Enclosed. Barrie to Maitland, 15th June. Recalls to memory his letter of 1819, respecting a canal between Lake Ontario and Burlington Bay. The Navy Board will not authorise any steps towards opening the canal until after full explanations and consultation with the local authorities. 290

October 14,
York.

Maitland to Barrie, 24th June. Agrees with him in the importance of the work of forming a harbour at the head of Lake Ontario, in a military as well as a naval point of view. 293

Maitland to Bathurst (No. 162). The arbitrators for Upper and Lower Canada respectively cannot agree on the choice of a third arbitrator who must therefore be selected by the King. The difficulty of finding one in England of sufficient knowledge of Canada, who is not connected in some way or other with one of the provinces. 296

October 16,
Quebec.

Darling to Maitland. Enclosed in Maitland to Bathurst, 29th October, 1824.

October 20,
York.

Maitland to Bathurst. Reminds His Lordship of the gift of Bibles and prayer books bound together, and recommends that attention be given to the enclosed letters, knowing him to be fully sensible how important any aid can be to the Established Church. 299

Enclosed. Rev. John Wenham to Maitland. Applies for a gift of prayer books, for distribution among those who for want of them, are unable to take advantage of the services of missionaries. 300

October 29,
Queenston.

Maitland to Bathurst. Has in the absence of the commander of the forces, received a petition of the Iroquois Indians, at Caughnawaga. Thinks it is the best plan to send the petition with accompanying documents, as Dalhousie will be in personal communication when the papers shall be received. Has intimated this intention to the Indians so that he does not think the proposed deputation will go to lay the petition before government. 302

Enclosed. Sir John Johnson to Maitland, 9th August. Regrets the necessity of submitting petition from the Iroquois Indians at Caughnawaga complaining of the conduct of Doucet, the agent. Sends correspondence with remarks on the subject. 304

Petition of the Iroquois Indians of Caughnawaga, giving details of their grievances. 318

Darling to Sir John Johnson. Doucet has been appointed agent for the Indians on the St. Francis and at the Lake of Two Mountains. 336

Sir John Johnson to Darling. Has received letter that Doucet has been appointed agent for the Indians on the St. Francis and at the Lake of Two Mountains. Objections to his being agent for the St. Francis

*See enclosure
on pages 196-7-8
of this report.*

1824.

Indians at a distance would cause great inconvenience. The agency at the Lake of Two Mountains can only be nominal, as these Indians do not possess any property in common from which they derive a revenue.

Page 337

Darling to Sir John Johnson. The appointment of Doucet to be agent for the St. Francis Indians was made in consequence of their application for him, and he asked leave to resign if he found himself unable, from other avocations, to perform the duties. The fact of Gill acting as agent was not known in the office, and the commander of the forces is surprised that he (Johnson) should not have reported it. Information wanted of the extent of the settlement of St. Francis, average amount of revenue and other information. Gill to render an account of the revenues that have passed through his hands.

340

Sir John Johnson to Darling. Is surprised to learn that the St. Francis Indians applied for the appointment of Doucet. Shall investigate into the reasons for a direct application being made without reference to him or any officer of the department, and shall on receiving information answer all the questions in the letter.

343

Sir John Johnson to Darling. The surprise of the chiefs of the Abenakis of St. Francis at the appointment of Doucet. Probable reason for the application attributed to them which justifies the apprehensions of the Indians. Extracts from grants, &c.

345

Darling to Johnson. The necessity in appointing an agent for the Indians to select one not only with a competent knowledge of business but of strict integrity. Before making an appointment to the agency, the Indians at St. Regis and Caughnawaga should fix the remuneration to be paid for the service.

352

Darling to Johnson. The commander of the forces approves of his (Johnson's) suggestion that a commission should issue to the Indian agents. Sends form. If he thinks it necessary he might suggest his ideas for the commander of the forces to consider.

355

Darling to Johnson. There are objections to the appointment of Archambeault to be Indian agent. Doucet to be appointed.

357

Same to the same. Sends commissions to S. Y. Chesley and N. B. Doucet to act as agents for the Indians at St. Regis and Caughnawaga.

359

Johnson to Darling. A deputation of seven chiefs and six warriors of the Abenakis waited on him and confirmed the statement in his letter of 14th May, that they did not wish for Mr. Doucet as agent nor for any change in the agency.

360

Johnson to Darling, 13th August, 1823. Indians of Caughnawaga complaining of irregularities in the village in consequence of persons being there cutting stone for the La Chine Canal and of the ease with which Indians get rum nominally provided only for the labourers. Is grieved that Doucet should so long have allowed this state of affairs. The chiefs are very urgent that this grievance should stop and would, to secure this, forego the profit from the sale of the stone, but he thinks the evil may be remedied without this loss as the same system might be applied as that at St. Helen's Island, where the men cross to their work in the morning and return in the evening. If this suggestion should be approved of, asks that Doucet be instructed to inform the contractors that the workmen are no longer to be allowed to remain at Caughnawaga, but that means are to be provided for them to cross in the morning and return in the evening, if not the cutting of stone at Caughnawaga must cease. The chiefs also complain of the non removal of obnoxious persons.

362

Darling to Johnson, 30th August, 1823. Orders have been sent for the removal of obnoxious persons in accordance with his (Johnson's) letters. His suggestions are approved of.

366

1824.

Darling to Ross, 30th August, 1823. Desires him to obtain a list of the censitaires of Caughnawaga in arrear, and to take legal steps to recover the amounts. Page 368

Darling to Doucet, 30th August, 1823. Orders sent to Ross to get the names of refractory persons in arrear for the seignorial dues at Sault St. Louis. He is to consult with Ross, so as to have all cause of complaint by the Indians removed. 371

Petition (in French) dated 14th February, 1824, of the Indians of Sault St. Louis, complaining of Doucet appointed agent against their wish, who does not know the censitaires nor the amount due by each. General complaint against Doucet that he remains in the house and will not see them, and that they can get no account from him. Instead of Doucet, they desire to have Capt. Archambault, of Chateauguay. 374

Copy of account. 377

Doucet to Darling, 2nd September, 1823. Denies that he has countenanced the state of things complained of as existing at Caughnawaga, and states the steps he has taken to establish order. Has communicated Dalhousie's orders to the commissioners for the La Chine Canal and they will bear testimony to his exertions. 380

Commissioners for the La Chine Canal to Doucet. Are surprised, that Sir John Johnson should have thought it necessary to write to Colonel Darling on the subject of affairs at Caughnawaga, as long before that time steps had been taken to stop the carrying of liquor to that place. The proposal to carry the workmen to the quarries and back every day would give them an opportunity to bring liquor to the Indians, not to speak of the loss of time and expense. The threat to prevent stone from being delivered cannot be carried out. 383

Darling to Johnson, 25th October, 1823. Dalhousie does not see any ground for the complaint in the concluding part of the letter of the 6th instant. His Lordship's system in the management of Indian affairs. 387

Other extracts. 389

Darling to Sir John Johnson, 25th October, 1823. Dalhousie satisfied with Doucet's transactions with the Indians. Regrets the jealousy that has arisen in his (Johnson's) mind towards Doucet. With respect to the St. Francis Indians, their statement agrees with his (Johnson's) that they are satisfied with Gill, who, however, had asked Doucet to become agent, feeling that he (Gill) had not education enough to act in that capacity. Doucet's action to put a stop to the selling of liquor. Measures taken to expel improper persons from the village of Caughnawaga. 391

Sir John Johnson to Darling, 4th November, 1823. Denies that he has any jealousy of Doucet; since that gentleman has been appointed he will assist him in every way possible. Contradicts the statements of the Canal Commissioners that no liquor is brought among the Indians by those employed on the canal. Evils caused by ill disposed people continuing to reside in and about the village. 396

Sir John Johnson to Darling, 15th March, 1824. Transmits representation from the Iroquois at Caughnawaga on the subject of Doucet's agency, with some queries on his account, which he does not feel authorised to call upon Doucet to explain as he understands he had sent his accounts lately to him (Darling) which were approved of by Dalhousie. 401

Darling to Johnson, 15th April, 1824. Dalhousie is surprised that the representation from the Chiefs of the Iroquois should have been sent without any information to enable a decision to be arrived at as to its credit or the steps to be taken should it be correct. Suspects the complaints against Doucet had been drawn up by a person whose interest is to be promoted, as it reflects on the Indian Department as allowing

1824.

abuses to exist. If the charge be correct, why were the abuses allowed to continue? if otherwise, the representation should not have been forwarded. It is extraordinary to have complaints made at this distant period against Doucet's accounts which were signed by the chiefs, and that these should be forwarded without remark or explanation. The original account being approved by the commander of the forces did not preclude the propriety of demanding explanation on any point requiring it. The statement now under consideration is returned to him for examination and report. Doucet is to furnish last year's account without delay.

Page 402

Remarks (undated) respecting the appointment of Doucet and of his efforts to get rid of improper persons from the village of Caughnawaga.

408

Johnson to Darling, 22nd April, 1824. Regrets that his manner of forwarding the complaints of the Caughnawaga chiefs should have been disapproved, but the action should not have been a surprise as ever since the appointment of Doucet, his (Johnson's) representations were attributed to jealousy. Does not know the reason for supposing the complaints were drawn up to promote the interests of Archambault, therefore offers no opinion on the subject, but from the best information he can obtain, it appears that the charges on which he was rejected were fabricated in the interest of Doucet. Archambault's good conduct as agent. The complaint of the want of personal attendance on the part of Doucet is undoubtedly well founded, and his professional duties render him unfit for the office, whatever his other qualifications may be, as he cannot afford the time and personal attention that are requisite. Was not aware that Doucet's account had been made out till some time after it was forwarded. Has then written for a copy of it which was sent without explanation. It seems extraordinary that he should have sent the account direct, without intimating his intention, as he was in the habit of communicating with the office respecting his agency. It was with much surprise that he learned the chiefs had signed the account as they knew nothing of it, and when they got a copy were not satisfied with it. His refusal to interfere, the account having been approved by the commander of the forces. His reasons for the explanation and for not interfering with Doucet, as he does not wish to be subject to further indignities in respect to his (Doucet's) transactions with the Indians; shall as directed cause inquiry to be made into the complaints by the chiefs respecting Doucet's accounts and shall report.

411

Johnson to Darling, 24th April, 1824. Has received account from Doucet for last year; as it would be useless to ask the chiefs to sign this account before the other is settled, sends it to be examined and returned. Instead of the chiefs and Doucet meeting in his office they should meet in Council at Caughnawaga with one or more officers of the Indian department. If this course had been pursued before, it would have been productive of more satisfaction.

419

Officers of Indian Department to Johnson, 26th April, 1824. Have investigated the complaints of the chiefs at Caughnawaga and now send them; the chiefs are ready to make affidavit to the charges.

421

Report with complaint of the chiefs.

422

Account of the cash and wheat received from the Indians and from N. B. Doucet.

428

Johnson to Darling, 29th April, 1824. Sends report of the examination at Caughnawaga with remarks on Doucet's account.

430

Doucet to A. K. Johnson, 3rd May, 1824. Explains his accounts, repelling the charges against their correctness, with details.

437

Sir John Johnson to Darling, 8th May, 1824. Criticises Doucet's explanation, holding it to be unsatisfactory.

441

1824.

Darling to Johnson, 31st May, 1824. The regret of the commander of the forces at the continued complaints against Doucet. The bad policy of contrasting Doucet's conduct with that of Archambault, whose object is to exalt himself. The commander of the forces has no time nor desire to go into Doucet's accounts; they were within his (Johnson's) authority and means and explanations should have been asked before Doucet was accused of intentional dishonesty. How the accounts are to be vouched for.

Page 445

Sir John Johnson to Doucet, 8th June, 1824. In consequence of complaints from the chiefs, his accounts have been sent back for revision and correction. Points out his discrepancies. How the accounts are to be made out and verified. The manner in which he had an account certified by four Indians (one only of whom was a principal chief) and sent direct to head-quarters was most unfair and in direct violation of the instructions in his commission. The chiefs complain of the extensive introduction of rum, &c.

448

Doucet to Johnson, 5th July, 1824 (in French). Returns accounts with observations and explanations.

455

Darling to Johnson, 22nd July, 1824. How the Indian accounts should be prepared.

463

Maitland, assistant military secretary, to Johnson, 22nd September, 1824. The petition and correspondence respecting Indian Affairs shall be transmitted to Bathurst. He (Johnson) is cautioned against attributing motives for instructions sent officially through a recognised channel.

465

Doucet to Darling, 2nd September, 1824. Defends himself against the charge of countenancing the order of things existing at Caughnawaga, and refers to the correspondence as evidence of his efforts to remedy the evils complained of there.

468

Observations on the petition of the Iroquois Indians, etc., by Darling, military secretary.

472

Dalhousie's decision, 1st July, 1821, in respect to the appointment of Doucet and the censure on the chiefs of the Caughnawaga Indians for the expressions made use of in their petition.

484

Dalhousie to Johnson, 1st July, 1821. Sends memorial from the Caughnawaga Indians and answer to be read to them in Council. The part which speaks of de Lorimier is to be closely inquired into and a report made.

487

Extracts (1822) from letters from Doucet to military secretary.

489

Extract from the military secretary's journal on his visit to the Indians at Caughnawaga and St. Regis, 13th September, 1822. They are well satisfied with Doucet, but say nothing of the priest or the rum.

492

Darling to Doucet, 6th February, 1823. The commander of the forces offers him the agency for the Abenakis Indians.

493

Doucet to Darling, 10th February. Accepts the position conditionally.

494

Darling to Maitland, 16th October. Gives extracts from correspondence respecting the charges by Sir John Johnson against Doucet, largely he believes, arising from a want of communication between Doucet and the superintendent of Indian affairs (Johnson).

496

(This letter is referred to at page 390 of this volume).

November 8,
Queenston.

Maitland to Bathurst (No. 163). Sends petition from the Welland Canal Co. for a grant of land to assist in the construction of a canal between Lakes Erie and Ontario. The importance of such a canal, but the line proposed does not afford the advantages that could be secured by another course. Half the stock has been subscribed in the United States and it is doubtful whether it would be advisable to subject a considerable landed property to such a control.

506

1824.

November 9,
Queenston.November 10,
Queenston.December 27,
York.December 28,
York.December 28,
York.December 29,
York.December 31,
York.

December—

No date.

Enclosed. Petition.

Maitland to Bathurst (No. 164). Plan proposed to lessen the charge on the military chest for patent deeds for lands in the military settlements. Objections to the plan arising from varying circumstances in respect to the grants. The anxiety of persons entitled to have their deeds to receive them previous to the general election. The right of voting on location tickets has been denied by a decision of the Assembly. Until the decision of the law officers of the Crown was known, he was obliged to have grants issued individually as heretofore at an expense of £1,421 18s., 11d., for which he could not draw on the military chest without permission which he requests may be given.

The same to the same (No. 165). Had reported 58 lots on the south side of the great road through the London district called the Long Wood tract. The lands opposite the range were set apart for grants on condition of making the road, but for various reasons the plan had failed and the tract remains a formidable obstacle to all communication between the western district and the other settled parts of the province. To obviate the difficulty he found it necessary to submit the lots on the south side to grant and placed the distribution under Colonel Talbot. The grants to be subservient to the improvement of the great line of communication. With Talbot's diligence, the essential object he believes will be secured.

The same to the same (No. 167). Has received copy of letter from the Treasury relative to Baby's memorial for arrears of salary. Explains the nature of the claims, the duties of office, etc.

The same to the same (No. 168). Has received letter from the Treasury for information respecting charges on navigation in the North American Colonies. Upper Canada having no sea ports the dispatch does not apply to it.

The same to the same. Had transmitted on 28th September last, a demand for articles as presents to the Indians, but owing to omissions as to the payments for lands purchased and other requirements, he sends a new demand. The inconveniences and apprehensions caused by irregularity in the issues. The nature of the reasons for the presents being given, etc.

Enclosed. Estimate of goods required for the Indians.

Maitland to Bathurst (No. 169). Has received letter respecting William Brown, and transmits letter from Mr. Bullock, near whom Brown resides.

Enclosed. Copy of letter from Richard Bullock to Maitland respecting William Brown, dated 29th July, 1824.

Maitland to Bathurst (No. 170). In accordance with dispatch concerning the will of Alexander Crozier, represented to have property near Kingston, inquiry has been made but no trace of the name can be found in the Surrogate Court of Kingston.

The same to Taylor. Has received letter of 11th September; acknowledges the error into which he had fallen by yielding too entirely to his own impressions. He will not enter into a defence of what his Royal Highness so decidedly condemned, but hopes his general conduct during a military service of some length may give his Royal Highness ground for hope that the error did not arise from wanton disregard to his situation relative to Dalhousie.

Memorandum respecting the answer to be given relative to a canal (not named).

Page 509

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PUBLIC OFFICES AND MISCELLANEOUS, 1824.

Q. 337-1-2.

(Part 1 is paged from 1 to 258; part 2 from 259 to 525).

1822.
February 20,
London.

James George to Gordon. He has lately travelled through Upper and Lower Canada and now reports on the method of contracting for flour. There should be ascertained the nature and extent of the contracts and the quality, rate and period of the last contracts. Respecting the quality and quantity, 40,000 barrels of superfine flour, can be produced fit for export to the West Indies; a second quality marked fine is sufficiently so to make the best bread, but is reported without proof, as not likely to keep in a warm climate like the West Indies. That is the kind of which the largest quantity could be furnished 100,000, being rather an understatement, and any encouragement would increase the supply largely. The improvement that could be effected in the trade by the St. Lawrence, were a check put on the smuggling of the United States, by allowing Canada to participate in a direct trade to India, under conditions which might be favourable to the East India Company and afford an extensive trade through Canada with the Western States. Page 170

Memorial of merchants for a share of the contracts for flour to the West Indies. 174

August 26,
Kingston.

W. Sheriffe to Bathurst. Has been informed that the explanation respecting his complaint against Joel Stone has been satisfactory, but does not know, if other steps are to be taken. The delays in the case. Is afraid that unless a higher power intervene, he will be denied justice. 500

1823.
January 21,
Whitehall.

Hobhouse to Wilmot Horton. He (Horton) has written down, Blenerhasset an ass; he may now write him a knave; if sent to colonise, it should be to New South Wales. 146

February 26,
York.

(See Blenerhasset's letter to Wilmot Horton, 5th July, 1824.)
Notice by the Board of Education of the sale of school reserves. Lists attached. 509

March 8,
Treasury.

Harrison to Maitland. Enclosed in Herries to Wilmot Horton, 12th August, 1824.

June 6,
Council Office.

— to —. Enclosed in Planta to Wilmot Horton, 16th December, 1824.

July 28,
York.

J. B. Robinson to W. Atkinson. Enclosed in Barrow to Wilmot Horton, 13th September, 1824.

August 5,
London.

— to Wilmot Horton. Enclosed in J. B. Robinson to Wilmot of 18th February, 1824.

1824.
January 2,
Ennisecorthy.

Memorial of Daniel Koehler for land, in Upper Canada, for his son, and prays for an order that it be given free of fees. 244

Note with the above, that no such scale of fees exists in Upper Canada. Had always understood that the fees on 500 acres amounted to £20 10s. 2½d. The writer of the memorial states them to be £125. 246

Memorandum to Bathurst. That the fees in Upper Canada, appear to be too high, and that advantage might be taken of the petition to make inquiry and to ask for a table of fees. 247

January 2,
Temple.

J. W. Bannister to Wilmot Horton. Hearing that a number of people are to be sent to Canada next summer, offers his services. 123

January 8,
Grand River.

Memorial of Alexander Glen for land which had been refused him on the ground that he had not served during the war, which he had done as a naval officer and complied with the conditions prescribed. 168

January 8,
York.

J. B. Robinson to Wilmot Horton. If the question of union has again been taken up by the Cabinet, hopes that that of a more general

1824.

union may have been discussed and that his paper on the subject may have attracted notice. The favourable impression it made on Maitland. Asks that a few copies be printed, as from the size of the manuscript, it would be unfair to ask any official to read it. Page 343

January 19,
Knoydart.

Memorial of Ranald McDonald prays for an order to relieve poor people who had sold their property intending to go to Canada, and asks if Bishop Macdonell had been authorised to send a certain number to Upper Canada. 255

January 19,
Winchelsea.

Memorial of Henry Powell, praying that, as owing to his wife's state of health he has been and is still unable to go to Canada to enter on his agricultural pursuits, his son may be allowed to take out his location ticket and to build a house for his, (Henry Powell's) reception and that of his wife. 337

January 26,
Whitehall.

Enclosed. Medical certificate of the health of Mrs. Powell. 339
Adams to Gordon. Asks for an official order to pay Bishop Macdonell the £300 for the Roman Catholic schoolmasters, if he is the right person to whom the money should be paid. 24

January 28.

Joint address of the Legislative Council and Assembly of Upper Canada on the proposed transfer of Barnhart's island to the United States, and praying that in the negotiations the award of the commissioners on this point may not be confirmed. 331

January 29,
London.

W. Atkinson to T. Solly & Sons. Enclosed in Barrow to Wilmot Horton, 13th September, 1824.

January 30,
Treasury.

Harrison to Wilmot Horton. The Lords of the Treasury have had two letters from Dunn respecting the office of Receiver General and the salary which it is proposed to reduce. Transmits minute of 3rd May, 1822, and the letters for Bathurst's sentiments. Desires to know if the colonial Act fixing the Receiver General's salary at £550 in addition to the £200 allowed by their Lordships, has been sanctioned, if so, from what period was such a salary to commence. 90

Enclosed. Copy of Treasury minute of 3rd May, 1822. That the Legislature of Upper Canada have a right to vary the amount paid to the Receiver General. 92

February 3,
Musselburgh.

John Galt to Wilmot Horton. The order to pay the five per cent of the loss has been received in Upper Canada with entire satisfaction. The delay in the receipt of this information by government has been the cause of much chagrin. 200

February 8,
Chichester.

Widdrington to Bathurst. Calls attention to his grievance in not being allowed to act as administrator during the absence of Gore and of his being superseded in the command of the forces in Upper Canada by Major General Maitland. The correspondence on the subject is embodied in the letter in which is an extract from Bathurst's dispatch that the conjoined military and civil administration was only continued during the war and had ceased on the return of peace. 515

February 9,
Port Talbot.

Talbot to Wilmot Horton. Is obliged for letter enclosed on the subject of Wilberforce's finding a clergyman for his (Talbot's) settlement. In applying he had no intention of interfering with the prerogative of the lieutenant governor; had he regarded the application as official, he would have made it formally through the Bishop of Quebec. Has shuddered on reading the report of the condition of the people in the South of Ireland. 507

February 10,
York.

J. B. Robinson to the same. Shall write at the first moment of leisure respecting an Indian commission. Sends Bannisters' volume and shall send the papers by his brother. 346

February 15,
York.

Same to——. States the case of Mrs. Shaw, widow of the late General Shaw, who has her widow's pension and £100 a year from government. The sons of the general have turned out miserably. The three unmarried daughters ought to have the £100 a year on which they

- 1824.
- February 18, York. could live. Mrs. Shaw having been married to their father only a few years has everything whilst they have nothing. Page 347
J. B. Robinson to Wilmot Horton. Has no doubt that Maitland has sent full information respecting the Indians and particularly respecting the grant to be made to them in fee simple. The propriety, it might be the necessity, of investing the property in trustees as a legal title could scarcely be made to a tribe of Indians, though it might be to all the individual members as joint tenant or tenants in common. The restrictions on their title in fee simple will leave the Indians as they are, as government has, and will ever, preserve their lands entire. If left without restriction they would be cheated out of their lands and drink them up within a twelve month. 350
- February 21, War Office. *Enclosed.*—to Wilmot Horton. Sends extracts from reports on the question of the Indians accepting a grant of the lands in fee simple. 354
Merry to Wilmot Horton. Do the incomes of the offices held by Lieut. Thomas Taylor exceed £246 7s. 6d., three times the amount of his half pay? 85
- February 24, Hamilton. Memorial of Mary Crozier, whose brother died in Canada; has been informed that if she sent power to a certain man in Kingsten he would send what would be good to her and her family, but she declined till she first wrote to His Lordship. 159
- February 25, Whitehall. Lords of Trade to Wilmot Horton. The 29 acts passed in Upper Canada in January, 1822, numbering 409 to 437 are to be left to their own operation, with an explanation in reference to 415 of the grounds on which it was thought proper to reduce the security to one half, and that the objections stated by Mr. Stephens in his report on 416 should be remedied by a new Act. The assent of the governor may be given to bills 435 and 436. 29
- March 4, Belfast. W. McCormick to Bathurst. Sends copy of memorial which he has transmitted for presentation to the House of Commons respecting the growth of tobacco in Canada. 259
- March 4, New-York. *Enclosed.* Memorial stating the progress of the growth of tobacco in Upper Canada and the necessity for protection to extend its cultivation. 261
T. W. More to Wilmot Horton. Sends dispatches from the lieutenant-governor of Upper Canada to a gentleman who had sailed for Liverpool in company with Dr. Strachan, and will call at his (Horton's) office. 257
- March 9, Whitehall. Adams to the same. Sends copy of a bill drawn by Darcy Boulton for his salary. As it is not accompanied by a certificate he cannot accept it without special order. The inconvenience it would subject Judge Boulton to were it returned dishonoured. 25
- March 9, Hamilton. *Enclosed.* Copy of bill. 26
Mary Crozier to Bathurst. Her brother died about four years ago. Desires to know if his property at Canada was left by any will. 161
- March 9, Downing Street. Galt to Wilmot Horton. Is obliged by his promptitude in correcting an impression he took yesterday; has more reason to complain of the written communications of government than to regret consequences from the verbal. 201
- March 14, York. J. B. Robinson to the same. Remarks on Bannister's letters respecting the Indians, with practical observations in numbered paragraphs. 359
Same date. Has sent the remarks and observations. 384
- March 22, Downing Street. Galt to Wilmot Horton. Has it been determined to pay this year more than the original five shillings? Has heard that a public loan is negotiating in Canada. Has it anything to do with the losses? 202
- March 23, Downing Street. Same to the same. Letters from Canada supersede the necessity of an answer to his note. Public communications show that circumstances have arisen by which government can indemnify him. 215

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1824.
 March 23,
 London.

Bastable to Wilmot Horton. Fears that the worst may happen to him in respect to a situation in Canada unless the British government interfere. Had been led, from the applications made on his behalf to remove his family to Canada where they now await his return. Applies for a situation in any part of the world, there being vacancies for consuls, &c.

Page 124

March 23,
 Downing
 Street.

Galt to Bathurst. Has received documents from Upper Canada of which copies have no doubt reached His Lordship. Calls attention to report of the committee of ways and means respecting loan. How his interests are seriously affected. How the loan should be raised and him employed.

203

Enclosed. Report of a committee of ways and means for providing for the interest on £50,000 sterling to be applied towards indemnifying the sufferers by the late war.

205

Resolutions of the House of Assembly on the culture of tobacco, for which the soil in certain districts is suitable.

211

Joint address of the Legislative Council and Assembly respecting a provision for indemnifying the sufferers by the late war.

214

March 28,
 Kingston.

Barrie to Hillier. Enclosed in Barrow to Wilmot Horton, 16th December.

March 29,
 Downing
 Street.

Galt to Wilmot Horton. Doubts the propriety of publishing address respecting the navigation of the St. Lawrence without permission. Being anxious to return to Scotland he would esteem it a personal favour if he (Wilmot Horton) would further the business of his claims.

216

March 29,
 London.

Bastable to the same. Sends the substance of letters to Bathurst in which he asks for a situation under Dalhousie or Maitland and a grant of land contiguous to Montreal or in any of the towns in either province in which the government has power to bestow them, pursuant to Bathurst's order of 1821. Lord Dalhousie's reply was enclosed, and he feels compelled in consequence to throw himself before the government to consider his disappointment. If he is enabled to take emigrants from Ireland he would embark with them for Quebec, by their aid he could have lands available for his family and he would guarantee to maintain the emigrants at his own expense whilst employed.

127

March 31,
 Admiralty.

Cockburn to the same. The ship in which he is to embark for Canada does not sail till to-morrow. Will therefore wait at the Admiralty to see if he (Horton) has any further communications to send.

162

March 31,
 London.

Strachan to the same. Has lately arrived on leave of absence and brings dispatches and letters which he transmits. After Bathurst considers the communications, he (Strachan) would attend when his Lordship appointed.

443

April 1,
 Aberdeen.

Principal Brown to the same. Sends letter for Dr. Strachan, to be returned if Dr. Strachan has not arrived.

130

April 2,
 London.

Bishop Macdonell to Bathurst. Sends statements of his services with documents in support of them. Schoolmasters engaged by authority of His Lordship, but not paid, although orders had been sent to Upper Canada to allow £100 per annum to each. These men had to be supported to the best of his power and he employed others to replace those who had abandoned their posts. The clergymen he employed by the same authority have not been paid their salaries either. Their consequent distress and the debt he incurred in supporting them. Was paid £900 since he left Canada on account of these salaries and submits the claims of the individuals interested for payment of the arrears. Submits for consideration the promised augmentation of his own salary.

265

Enclosed. Note by the Treasury respecting the sum paid for arrears of salary to the clergymen and schoolmasters, to be considered as an

1824.

advance to be repaid by the Canadas. Bathurst to decide on the claim by Bishop Macdonell for the amount and arrears of salary. Page 271

Gordon Drummond to Bathurst, 10th July, 1815. Submits and recommends memorial from Rev. Alexander Macdonell, minister of the Roman Catholic Church in Glengarry, Upper Canada. 272

Same to the same, 22nd March, 1816. Has declined to appoint Mr. McPherson to be schoolmaster to the settlers in Glengarry, as he did not come strictly within the description given in the printed memorandum. Recommends the appointment. 274

Bathurst to Drummond, 18th June, 1816. Approves of the appointment of McPherson to be schoolmaster. 276

Goulburn to Rev. A. Macdonell, 25th January, 1817. Bathurst has no objection to his providing three schoolmasters for the education of Roman Catholic settlers, whom His Lordship would recommend. The government of Upper Canada to make each an allowance of £50 a year with a grant of land. 277

Same to the same, 6th June, 1817. Bathurst consents to his engaging three Roman Catholic clergymen to proceed to Upper Canada, and directions have been given to the government of Upper Canada to allow them £100 each per annum. 278

Same to the same, 19th May, 1817. Bathurst impressed with the advantages of education for the Catholic inhabitants of Upper Canada, has directed that a salary of £100 a year be allowed to each of the persons recommended by him, Macdonell. 279

List of clergymen and schoolmasters for education of the Roman Catholic inhabitants of Upper Canada, showing the salaries, &c. The account shows a balance due of £3,400. 280

John Maitland to Bathurst. Applies for a free passage to Canada for his father (half pay 37th regiment) and his family. 296

April 6,
Richmond,
U. C.

April 9,
Downing
Street.

April 10,
London.

Galt to Wilmot Horton. Asks if there is any objection to his negotiating a loan of £60,000 for the relief of Canadian sufferers by the war. The conditions proposed. 217

Bastable to the same. The disastrous consequences of his going to Canada and the expenditure it involved. Refers to the case of Ingram, who went to the Cape of Good Hope and was remunerated for his disappointment. Asks to be put on a footing with Ingram, so as to pursue his plans in Canada by advancing a moderate sum of money as compensation for his losses, which he would apply to taking out industrious emigrants. Many families are most anxious to embark with him. If not soon settled, his resources would be exhausted and ruin be the consequence. 131

Galt to the same. Has made an arrangement for the loan spoken of in the letters of the 9th. 218

Summary of correspondence with Galt respecting the loan for Canada. 219

Bastable to Wilmot Horton. Explains the nature of the inducements which led him to remove his family to Canada. He would never have attempted such an adventure, but for reckoning on the support and encouragement of the Colonial department. 134

Macdonell, of Glengarry, to Bathurst. Asks for an interview. 299

April 12,
Downing
Street.

April 12,
London.

April 17,
London.

April 26,
Treasury.

April 27,
Downing
Street.

Herries to Wilmot Horton. Has directed the account for Galt to be prepared. It shall be sent when ready. 94

Galt to Bathurst. Sends copy of letter to Messrs. Hallett Brothers & Co., respecting the proposed loan of £60,000 and the answer containing the terms to which he has acceded. 221

1824.

Enclosed. Galt to Hallett Brothers & Co., 17th April. Relative to the proposed loan and the securities offered. Page 226

Hallett Brothers & Co. to Galt, 26th April. The conditions on which they undertake to raise the loan. 222

April 29,
London.

Bastable to Wilmot Horton. Thanks for his politeness. The statement respecting Ingram arose from communications lately made to him from Cork. Before coming to a determination respecting Canada, desires to consult Lord Ennismore and others of his friends. Is about to form a commercial establishment at Montreal with Mackenzie, President of the Bank of Montreal, and Mr. Oldham, but desires to live himself in Kingston, where his family are. 137

April 30,
London.

Bishop Macdonell to Bathurst. Has recovered from his illness and asks for an interview respecting the claims he has submitted. 282

April 30,
London.

The same to Wilmot Horton. Describes the sufferings of the lower order of Scotch Highlanders; their loyalty, patience, and endurance of sufferings, which have driven others into rebellion, plead strongly in their favour. The destitution he mentioned through great part of the Highlands caused by fall in the price of stock and failure of crops. The state of those who were formerly in comfortable circumstances. The benevolence of many of the Highland proprietors. Instances given. The Highlanders being loyal themselves, believe that sympathy is extended to them and that they can look to the king and country in the hour of their distress. He (Macdonell) pleads for them and trusts that their past services and present sufferings may plead with Bathurst and that aid will be extended to remove them to a country where so many of their friends already enjoy the comforts of life. Sends abstracts of letters confirming his statements. Has long lists of persons who are in poverty at home and are extremely anxious to emigrate to Canada. 283

Attached to the letter (apparently from Bathurst) that Macdonell is to call to state the numbers, &c., of those desirous to emigrate. 291

Enclosed. Abstracts of letters respecting distress in the Highlands. 292 to 294

May 1,
Downing
Street.

Galt to Wilmot Horton. Has received letters from Upper Canada respecting claims which are not satisfactory. In the United States the losses there have been indemnified. 228

May 3,
London.

Memorial of Mrs. Catherine Brown, who has not heard from her son now in Canada, and asks if means can be taken to let her know if he is alive. 140

May 4,
London.

Bishop Macdonell to Wilmot Horton. Asks for the original or a copy of the paper sent on emigration. 298

May 7,
Downing
Street.

Wilmot Horton to Galt. In reference to the loan sends copy of resolution of Lower Canada that it is impossible to impose new taxes. 230

May 8,
Treasury.

Herries to Wilmot Horton. Account wanted for Galt is sent. 95

May 13,
Downing
Street.

Wilmot Horton to Galt. Recapitulates the conditions on which the Imperial government will assist to meet the losses by the sufferers in the war of 1812, a determination which still exists. 233

May 15,
Whitehall.

Adams to Gordon. Can anything be done for the daughters of the late General Shaw, in whose favour the attorney general of Upper Canada interests himself so warmly. 27

May 15,
London.

Strachan to Wilmot Horton. The principal object of his coming was to lay before Bathurst the plan for selling a portion of the clergy reserves. His mind relieved from the apprehension that in case of sale it had been determined to retain a sum equal to that advanced to support the church in Canada. It would be wise to add to rather than to diminish the available funds for the maintenance of the Church. Asks him to arrange whether a personal interview or a communication in writing

1824.

on the subject would be best. In the meantime sends copy of proposed bill to which he considers no reasonable objection can be made. An authority to sell would enable them in a few years to get so much ahead of the sectaries that they would no longer be formidable. The plan has obtained the approbation of Maitland and of the Lord Bishop of Quebec and does not depend for its success on the formation of such a company as Galt projects, the price obtainable from the latter being much below what would be gradually obtained in the province.

Page 451

Enclosed. Draught of a proposed bill for the sale and disposal of clergy reserves. 455

Memorandum respecting the claim of Dr. Strachan. 459

May 18,
Downing
Street.

Galt to Wilmot Horton. Has received copy of resolution. Asks what other views government has adopted under the circumstances as the resolution cannot be regarded as an answer to a just claim. 232

May 24,
London.

Wilson to the same. Sends outline of plan for promoting colonisation in Upper Canada. The extent of the grant proposed would be sufficient in the meantime and the moment appears favourable to the adoption of the plan. 523

May 25,
London.

Strachan to Hillier. Had been called upon to draw up a general statement of the revenue and expenditure of Upper Canada; encloses copy of the statements (1 and 2) he made and the remarks accompanying it. Changes have been made which have reduced the expense. Number 3 shows the present revenue and expenditure. The financial embarrassments of Upper Canada have arisen from the difficulties with Lower Canada, as if the part of the revenue collected at Quebec had been paid over, the rest, with the addition of that from the Imperial parliament would have been equal to the expenditure. The errors of calculation made by Major Moody, in estimating the liabilities of Upper Canada. Until the reserves become available trusts that Upper Canada will be indulged with the annual vote of the Imperial parliament. 462

Enclosed. Estimated statement (No 1) of the receipts and expenditure of Upper Canada. 465a

Remarks on the table. 466

Estimate (No 3) of receipts and expenditure. 470

May 25,
London.

Strachan to Wilmot Horton. Has received letter from Major Wilfrid (enclosed in letter of 18th instant) on the subject of the Legislative Union of the North American provinces, and sends as requested by Bathurst, remarks on the policy of the measure. 472

May 26,
London.

Bustable to the same. Has been advised to place his family under the protection of the government of Upper Canada. As it is reported to be the intention of Ministers to encourage a partial emigration from Ireland, he calls attention to his offer to take out some families from the County of Cork. 142

May 26,

Bishop Macdonell to the same. Explains his motives and proceedings in relation to emigration from the Highlands. Denies that he had advised or approved of meetings being held on the subject, and has written strongly reprobating these proceeding and the use made of his name. 300

Enclosed. Paragraphs from Captain Macdonell of Moy's letter, respecting distress in the Highlands. 304

May 28,
London.

Strachan to Wilmot Horton. Left on the 25th at the Colonial Office two packets which he had probably not yet seen. One enclosing statements of the revenue of Upper Canada for 1819 and 1823, showing the state of the finances, which Major Moody does not seem to understand. The other contained observations on a general union of all the British North American provinces. The importance of the subjects. Asks for an interview on the subject of the union of the Canadas. 473

1824.

May 31,
Colonial off

June 5,
Cupar Fife.

June 8,
London

June 11,
War Office.

June 19,
London.

June 21,
London.

June 22,
London.

June 28,
Whitehall.

June 28
Port Talbot

June 29,
London.

June 30,
London.

July 3,
London.

1824.
May 31, Colonial office
Strachan to Wilmot Horton. Gives as nearly as possible the terms offered by Galt for the waste lands of the crown. Objects to them as restricting government in respect to grants to emigrants if emigration on an extensive scale is contemplated. Page 475
- June 5, Cupar Fife.
Moir to Bathurst. Was married at Drummond Island in 1816, but there being no books of registry, his marriage was not registered nor the births of his children. How is he to have them registered? 308
- June 8, London
Strachan to the same. The proposed retirement of the Lord Bishop of Quebec will give an opportunity of dividing the diocese. The object of establishing the Church of England in the colonies. In 1791, the Roman Catholics had only one bishop and it was thought sufficient therefore to have one Anglican Bishop. Now the Roman Catholics had six bishops, whilst the Anglican Church has still only one, with a vast increase of duty. The augmentation for the establishment should now take place, for each of the provinces presents a vast field for episcopal exertions. The duties of a bishop in Canada. The contrast between the number of bishops in the Church of Rome and the Church of England. He (Strachan) now applies for the bishoprick in Upper Canada; his friends would have done this before but he and they thought the arrangement for Dr. Stewart to succeed the undivided see of Quebec had been settled. His (Strachan's) services which justify the application. 479
- June 11, War Office.
Merry to Wilmot Horton. Major James Hamilton Powell desires to receive his half pay together with his income as high sheriff of Bathurst. Asks to be informed of the salary and emoluments of the civil situation and the date of appointment. 86
- June 19, London.
Strachan to the same. Sends analysis to show the practical effect of the union on the joint Assembly. 487
- June 21, London.
Bastable to the same. Has taken a passage in a vessel to sail on the first of next month. Asks for an interview. 144
- June 22, London.
Bishop Macdonell to Bathurst. The enclosed paper will show the bearings of a question on which His Lordship desired information. During his life and whilst able to superintend the moral instruction of Catholics subjects in Upper Canada, he does not apprehend any injurious consequences, but it is impossible to say what would be the character or disposition of his successor, so that he is anxious an arrangement should be made in his own lifetime to secure that the course he had begun should be pursued by his successor. 307
- Enclosed. Note of the law and practice of the Roman Catholic Church with respect to the hierarchy. 309
- June 23, Whitehall.
Lack to Wilmot Horton. In reference to an address from the two Houses of the provincial legislature of Upper Canada respecting tobacco, an Act has been lately passed by which tobacco grown in Canada is to be admitted at a duty three pence less per pound than is payable on tobacco grown in other countries. 31
- June 28, Port Talbot.
Talbot to the same. Introduces Mr. Allan, who goes to assist his brother-in-law (Mr. Gamble) to recover property in Gibraltar, which his father, the late Dr. Gamble possessed there. 511
- June 29, London.
Bastable to the same. Can he have an interview to-day or to-morrow? 145
- June 30, London.
Strachan to the same (private). Desires to withdraw a previous statement, respecting the funds available for the support of a Protestant bishop in Upper Canada and to substitute the proposal contained in the present letter. 488
- July 3, London.
R. Paddison to Bathurst. Applies on behalf of a clergyman, desirous to emigrate, for information as to the encouragement given, as to the hope of preferment, the provision made for the Church of England, and if the clergyman is allotted land for his private use. 340

1824.
July 4,
London.

Bishop Maedonell to Wilmot Horton. Sends in writing, as requested, the substance of his interviews with Bathurst on the question of salaries and arrears. Page 310

July 5,
Plymouth.

Note by Wilmot Horton on the difficulty of obtaining payment of arrears from the Treasury. How these could be paid. 315

Blenerhasset to Wilmot Horton. The last letter received from him (Horton) was on 30th December, 1822. Had answered on 1st January, 1823, but had not yet received Bathurst's pleasure on it. Refers to previous letters. Hopes the detriment to his professional practice and private affairs may be repaired by his appointment to some colonial office. 147

July 9,
On board the
"Hudson."

Bastable to the same. Having been promised lands in Upper Canada, asks that an order to that effect be sent to Maitland. Unless a considerable grant is made it would not be worth his attention or that of those who agree to embark in the adventure. As for a share of the reserves, lands in the interior or far back in the woods, are not worth his acceptance. Will do all he can for the interest of the government and country. 149

July 9,
London.

Greenwood, Cox & Co., to the same. Certificate wanted that Maitland was alive and in the execution of the duties of his office from 1st July, 1823, to 30th April, 1824. 178

July 17,
Edgeworthstown.

Miss Edgeworth to the same. Arrangements for having correspondence with Mrs. Stewart of Upper Canada franked. 144

July 27,
Lincoln's Inn.

Stephen to Bathurst. Can find no valid objection to the Act amending the Act for levying and collecting rates and assessments in Upper Canada. 50

July 21,
Downing
Street.

Galt to Bathurst. In respect to the interest on the loan, as the Canadian Company has been constituted and are to pay the sum of £20,000 per annum for the benefit of the province, the interest may be regarded as secured. 235

August 2,
Isle aux Noix.

Memorial of William Low. States his services in the Royal Navy, his wounds, poverty and old age, and now seeks relief, having neither received lands nor other remuneration. 249

August 4,
War Office.

Lakin to Wilmot Horton. Desires to have an answer to letter of 11th June, respecting the value of the appointment of high sheriff held by brevet Major Powell. 88

August 4,
Treasury.

Herries to the same. Before expressing an opinion on the application of Baby for an increase to his salary as inspector general of the public accounts for Upper Canada, their Lordships desire to obtain a detailed statement of the duties of the office and of the circumstances which led Gordon Drummond to grant an increase of salary in 1815, which had never been paid. 96

August 11,
Whitehall.

Hobhouse to the same. Sends free pardon for Mary Thompson, convicted of child murder, to be transmitted to the Governor of Upper Canada. 43

August 12,
Treasury.

Herries to the same. The Lords of the Treasury have received a letter from Turquand, Commissary, covering a warrant from Maitland in favour of the Receiver General for Upper Canada for the sum of £63,791 13s. 4d. currency, equal to £57,412 10s. sterling for the payment of claims for losses sustained during the war of 1812. Letters transmitted with request to know if Bathurst was aware of the reasons which induced Maitland to adopt the course he has taken contrary to instructions. 98

Enclosed. Harrison to Maitland, 8th March, 1823. Instructions to pay to the losers by the war individually the amount of their claims; the amount not to exceed £57,412 10s. 100

1824.

- Herries to Maitland, 12th August. The Lords of the Treasury refer him to letter of 8th March, 1823, and desire to know why he felt himself authorised to direct the whole sum to be paid to the Receiver General instead of the individual claimants, this causing loss to the public. Page 101
- August 16, Miller to Bathurst. His distressing situation with two sons unprovided for. One is noted for a commission in the Marines; for the other he asks for a trivial place with Cockburn in the Quarter Master General's department or else a grant of land. 316
Lambeth.
- August 19, John Jewell to Bathurst. States his services, and asks for land in Upper Canada on Lake Erie or Lake Ontario, and a position in the militia. 240
Dublin.
- August 21, Mrs. Beley to the Treasurer of the Navy. Her son Benjamin, entered the Navy in 1810 and served till 1817, when he received a grant of land, but died before it could be of any advantage. Asks if the grant could be continued in the family, or if some compensation could be given in lieu of it. 152
Worcester.
- August 24, G. Cockburn to Wilmot Horton. Has written to his brother, who is at some distance, to wait on him (Horton) in Downing street. 3
High Beech.
- August 26, Alexander Glen to Bathurst. Writes again, having no answer to his memorial and previous letter respecting lands. 179
Grand River.
- Memorandum on the case of Alexander Glen who had only served eleven months in the Lake Marine instead of the three years required to entitle him to land. 181
- August 26, J. W. Bannister to Wilmot Horton. Has received a parcel from Upper Canada, enclosing a note from him (Horton) to the attorney general of that province. It appears from the misdirection of this parcel that some communications were intended for him (Bannister) which would appear to have been neglected. 154
Temple.
- August 27, Ballard to Colonial Office. Asks for information respecting a will left by general Sheridan, an officer in the British, prior to his being in the American service. The last communication from him was in or about 1794, when he sent a remittance to Michael Bryant, grandfather of the writer. 155
Bandon.
- August —, —to Bathurst. Report by a passenger from Oswego who found every office in the hands of William Allan. The letter is given in the preliminary report. 111
Montreal.
- September 2, Bishop Macdonell to Wilmot Horton. Thanks for the kindness of Bathurst and him in regard to the claims of the clergymen and teachers and by putting it in his power to do ample justice to all these individuals. Has now to call attention to his individual claim for the payment of arrears and for the future increase of his allowance which Bathurst has proposed. His present insufficient income; requests that Bathurst will decide at what date the increased allowance is to begin. His anxiety to return to his duties in Canada, in which the work will be increased by the enlarged scale on which emigration from Ireland is to be carried on. The beneficial effects of religion on the Irish Roman Catholics; it is an object deserving of serious consideration. Should Bathurst allow the means of supporting a sufficient number of Catholic clergymen and teachers, and that he were allowed to select them, he would answer with his life for the loyalty of the Irish Roman Catholics emigrating to Canada. 318
London.
- September 4, Strachan to the same. Sends letter addressed to Bathurst to be read, and, if thought proper, to be forwarded. Leaves for London on the 6th. The kindness he has met with in Scotland. 493
Aberdeen.
- September 4, Same to Bathurst. Sends extract from letter from Maitland and asks for an interview, and to be furnished with such an expression of His

1824.

Lordship's satisfaction with the information furnished as may be shown to Maitland. Page 495

Enclosed. Hillier to Strachan, (extract) 24th January, 1824. The good that might result from the adoption of the plan of disposing of the clergy reserves, which he (Strachan) had drawn up. The information he might give to Bathurst in person. Is not sure if he can pay his (Strachan's) expenses from the clergy reserves, but if Bathurst thinks the service performed would authorise such charge, His Excellency would readily consent to it. 496

September 7, Kingston. Barrie to Bathurst. Transmits memorial from Low having the testimony of officers who served with him of his conduct as an active, brave and zealous officer. He is now unable to work and in great want. Asks for favourable consideration for the petition. 157

September 8, Navy Office. Navy Board to Croker. Enclosed in Barrow to Wilmot Horton, 13th September. 166

September 9, London. Edward Ellice to Wilmot Horton. Introduces Mr. Allan, a merchant of York, Upper Canada. 166

September 11, Treasury. Harrison to the same. The different terms upon which the Canadian Voltigeurs were raised from those on which the provincial Light Dragoons in Upper Canada were raised, warrants the refusal to grant half pay to the latter although it was granted to the Voltigeurs. 103

September 13, Admiralty. Barrow to the same. Sends copy of letter and enclosures explaining the cause of the non-fulfilment of the contract for supplying Canadian Red pine. 4

Enclosed. Navy Board to Croker. Transmit letter from the agents of Solly, relative to the non-fulfilment of contract for supplying Canadian Red pine, that the case may be investigated. 5

W. Atkinson to Solly & Son, 29th January, 1824. Explains that large quantities of timber had been cut off the Crown reserves on the Ottawa river, the depredators being secured in possession by the deputy sheriff of Nepean. The contractors are therefore placed in an unfair position. The timber on the Crown reserves has been allowed to be cut to secure a revenue for the upper province without directly taxing the population, so that a Crown licence is rendered perfectly useless. 8

Robinson to Atkinson, 28th July, 1823. Has made inquiries as to cutting timber on the Crown reserves, and finds that Government has only authorized the sales of timber which has been cut down by trespassers. 11

Note of answer to be sent in reference to complaint of Messrs. Solly. That the permission to contractors to cut timber on the Crown reserves is inexpedient; that the colony is entitled to the produce of its timber as well as of every other source of revenue; that the contractors can easily calculate the sum for which they could supply the timber and that the complaints of Messrs. Solly are unreasonable. 12

Memorandum that the question is of importance, Messrs. Solly demanding the timber cut by trespass, but the licence only gives the right to cut timber, and the fine belongs to the casual revenue of the Crown. If, as stated, the Assembly pass a law to grant licences the Council would of course throw out such a bill. 13

September 14, London. Adam Armstrong to Bathurst. Is desirous to go to Canada and applies for the office of one of the commissioners for the sale of Crown and Clergy reserves. 115

September 24, London. Strachan to Wilmot Horton (private). Reminds him of letters promised to him before he should sail, one respecting Bathurst's approbation of his services, the other notifying him of his appointment to be Archdeacon. It is essential he should be in Canada before the meeting of the permanent legislature. 498

1824.
September 27, Stephen to Wilmot Horton. Gives in detail an account of the conduct of Hartford, who had occupied a lot of land in Upper Canada without a patent, leaving during the war of 1812, when the land was occupied by McIntyre, who applied for a patent. That must be granted to Hartford, who was never convicted, and can not be so now, the time having elapsed during which he could have been put on his trial. Page 52
Lincoln's Inn. 117
- September 28, Angel to Bathurst. Asks for the rectification of an injury done to him by the refusal of a grant of land owing to calumny. 117
Lambeth. 117
- September 30, Barrow to Wilmot Horton. In accordance with petition from Hayes, Admiralty. the time to complete his contract to supply iron ballast to the dock yard at Kingston has been extended. 15
- September 30, Angel to the same. Transmits a letter to be laid before Bathurst. His intention to introduce a work of national importance. Refers to the Governor of the Leeward Islands and others for his character and standing. 119
Lambeth. 119
- September 30, Memorial of the daughters of the late General Shaw, praying that the £100 a year given to his second wife, married since his death to a clergyman of the Church of England, may be settled on them, as they understand that this allowance, in addition to her pension as the widow of a General, was intended for a provision for them. 502
York. 502
- October 7, Stephen to Wilmot Horton. Transmits letter proposed to be sent to Sir Peregrine Maitland, with the interpretation of the instructions relative to leaving an administrator in Upper Canada during his absence on military duty in Lower Canada. 62
Lincoln's Inn. 62
- Enclosed.* The proposed letter to Maitland, that on his leaving Upper Canada he is to consider if there is reason to apprehend delay in the public business in consequence of his absence, and if so he is to appoint an administrator according to his present instructions, otherwise he is to abstain from delegating his powers. In event of his visiting any other province or place, than the province of Quebec, or that province on other than military duty, or to be absent more than a month, he is to appoint a substitute. 63
- October 26, Angel to Wilmot Horton. Thanks for the course taken by Bathurst with reference to the complaint against Hillier. Asks for an interview. 121
Lambeth. 121
- October 30, J. B. Robinson to Bathurst. Submits the case of Barnabas Bidwell, a citizen of the United States, whose election to the Assembly has given rise to a question of great importance to Upper Canada. Submits also the statement of a case in which the lieutenant governor has for the first time been called on to act as chancellor. The lieutenant governor desires to have a decision on both cases. 386
London. 386
- Enclosed.* The case of Bidwell with the arguments for and against his eligibility to be a member of the House of Assembly of Upper Canada. 388
- Quotations from the Acts bearing on the case of Bidwell. 397
- November 2, Galt to Wilmot Horton. As he is desirous to close the business of the Canadian claims before leaving London, asks for an interview to make final arrangements. 236
Downing Street. 236
- November 8, Barrie to Navy Board. Enclosed in Barrow to Wilmot Horton 16th December. 16th
Kingston. 16th
- November 10, Gamble to Wilmot Horton. Asks for an interview respecting an application he is about to make to the Treasury. 186
London. 186
- November 10, Glen to Bathurst. States the circumstances of his case and that he is entitled to a grant of land for which he trusts to Bathurst's justice. 182
Grand River. 182
- Enclosed.* Certificate that Glen was discharged as Captain's clerk in 1817, and does not now hold any public employment. 185

1824.
November 12, Memorial of James McMichen to obtain information respecting his
Larkhall. uncle, James Baillie, who settled in Canada. Page 322
- November 13, Law Officers of the Crown to Bathurst. Report that Bidwell and
Serjeant's Inn his son are both ineligible for seats in the Assembly of Upper Canada,
under the Act 31 George 3, Cap 31 or any other Act. The decision
being one of general importance, they had waited till the judgment of the
court was delivered, which had now been done, deciding that neither
Bidwell nor his son was eligible, thus settling a long standing case. 45
- November 20, Wellington to Bathurst. On the 14th April, 1824, the whole of the
London. presents for 1823, 1824 were shipped. Those for 1825 were in course of
shipment in August 1824. 81
- Enclosed. Memorandum of the dates of the shipment of Indian presents
for 1823, 1824 and 1825. 82
- December 8, Galt to Bathurst. Asks that the Treasury undertake the payment of
London. the interest on the loan arranged by him until the colony shall have
provided means. 237
- December 11, Strachan to Hillier (extracts). Respecting his claim for salary and
York. arrears. 461
- December 15, Pelly to Bathurst. The Hudson's Bay Company has removed the
Hudson's Bay establishment at Sault Ste. Marie, it being wanted for a military depot.
House. All the goods of the company have been removed to a position nearer
Lake Superior. Land is wanted there for agricultural purposes and he
asks for a grant of 1,200 acres. 105
- December 16, Planta to Wilmot Horton. Asks if there is anything in the circum-
Foreign office. stances of the colonies favourable to McDonell's case for reversal of out-
lawry, to lead government to comply with Mr. Rush's request. 33
- Enclosed. Notes on McDonell's case. 34
- Hobhouse to Planta, 13th December. Peel can see no grounds for
recommending the withdrawal of the outlawry against McDonell. 37
- Colonial Office, 6th June, 1823. The law officers consider that the
outlawry against McDonell could be withdrawn either by a *not-pros* or
by a general pardon. The attorney general of Upper Canada sees no
ground for a favourable view of McDonell's case, but Canning, on other
grounds, may feel inclined to comply with the wish of the United States
government; in which case Bathurst will transmit the papers officially
to the Home department for the purpose of obtaining a general pardon,
unless it be considered that a *not-pros* would be more advisable. 40
- December 16, Barrow to Wilmot Horton. Sends correspondence with Commissioner
Admiralty. Barrie, at Kingston, relative to sending a steam engine for sawing wood,
etc., in lieu of which he proposes to build mills on a site on the great
Cataraqui, which has been leased to individuals for 99 years, which lease
they are willing to give up. Lord Bathurst asked to take steps to carry
out the proposal. 16
- Enclosed. Barrie to Navy Board, 8th November, 1824. Recommends
that saw-mills driven by water power be erected as being more economi-
cal than a steam saw-mill. The site he recommends was leased for 99
years, but the lease holders being bankrupt, are willing to give it up. 18
- Barrie to Hillier, 28th March, 1824 (extract). The importance of
possessing, or at least having command of the Kingston mill reserves.
Their convenient situation in respect to the dockyard. 21
- December 18, Bishop Macdonell to Bathurst. Sends copy of Dr. Fenwick's letter to
London. agent of the Catholic Association of Ireland, he believing that the number
of Irish Roman Catholics in his (Fenwick's) diocese of Ohio gives him a
strong claim upon the association. It is to prevent any claim being
made on this association for Upper Canada that His Lordship's patron-
age to a subscription for that province was asked. Recommends the

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Page 322
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1824.

appointment of Rev. William Fraser to the diocese of Nova Scotia, vacant by the death of Burke. Page 324

Enclosed. Copy of letter from Rev. Dr. Fenwick, Bishop of Cincinnati, Ohio, to Aeneas Macdonell, agent of the Catholic Association of Ireland, dated 8th September. 327

December 20,
York.

Robinson to Wilmot Horton. Long and detailed discussion on the question of the union of the provinces of Upper and Lower Canada. Criticising statements in other documents on the subject contending that the limited union would intensify the French Canadian feeling. The advocacy of general union of all the provinces not the work of a few official persons in Quebec and York, as is charged, but of disinterested persons. 403

(A note, apparently from Wilmot Horton to Bathurst, recommends the reading of the paper "which is very ably written.") 402

December 21,
Whitehall.

Stephen to Wilmot Horton. Long and elaborate account of the claim of Randal, to lands situated on the rapids of the Niagara River. Can give no opinion, as the proceedings of the Council of the date are transmitted in so imperfect a form as to leave the question in total obscurity. 66

December 29,
London.

Richard Talbot to Bathurst. Has not heard from his son, Edward A. Talbot, since he left London, on 19th August, (1823?) with the intention of being back in August last. Has sent a letter to Lord Rosse, who will make the necessary inquiry. 512

No date
Minehead.

G. F. A. to Wilmot Horton. Asks that inquiry be made into the enclosed case, and word sent him so that he may write to his correspondent in reasonable time. 108

Enclosed. P. Taylor to Sir Thomas D. Acland. Asks him to submit the following case to Bathurst. 109

The case of Henry Matthews, who was refused land in Upper Canada, because he had come by the United States, having been detained for a short time by the consul at New York to work as a shipwright. 109

No date.

Statement of the case respecting the proposed Canadian loan to meet claims for losses during the war of 1812. 189

Summary of papers relating to the position of Dr. Strachan in respect to his incumbency at York, which by the reduction in the value of the glebe lands gives a smaller income, than he enjoyed at Cornwall. Recommendation by the lieutenant governor, that the benefice of York should be restored to its original value, by a transfer of lands from the town plot and township of York and as Dr. Strachan had sustained losses by the alienation of the glebe lands, that he should have a grant of 2,000 acres, with an allowance for erecting a parsonage house. Dr. Strachan will personally state his views, but the lieutenant governor in the legislature of Upper Canada called attention to the want of means to meet Dr. Strachan's full demand and asks permission to employ certain funds at the disposal of the Crown to provide for the salary of Dr. Strachan, as president of the General Board of Education. 438

Unsigned and undated. Note that Mrs. Nichol's memorial is before the Treasury and that in regard to iron ore, Bathurst has not decided that government shall abandon the rights of the Crown. 330

Memorandum on the complaint of Messrs. Solly, respecting timber. Enclosed in Barrow to Wilmot Horton, 13th September, 1824.

List of papers, unsigned and undated, respecting the introduction of convict labour and on the question of emigration, with remarks on the construction of the canal to connect lakes Ontario and Erie and the other to connect Lake Ontario with Ottawa near Richmond. 444

Proposals how to arrange for the payment of the two bishops to be created for Upper and Lower Canada, in room of the one Lord Bishop of Quebec. 477

1824.
No date.

Remarks on Bishop Macdonell's claim, which appears to be supported by Goulburn's letter, but the sum cannot be safely charged on the provincial revenue of Upper Canada, for reasons which are given in detail. Other considerations. Page 448

LIEUT. GOVERNOR SIR P. MAITLAND, 1825.

Q. 338-1.

1825.

January 18,
York.

Maitland to Bathurst (No. 171). Claus has drawn the Christmas dividend for the Indians. Page 2

January 19,
York.

The same to the same (No. 172). Transmits paper from Dr. Strachan on the subject of the clergy reserves, to which he calls attention. 4

Enclosed. Strachan to Maitland. Comments on the offer of the land company to take over the Crown and clergy reserves, showing the disadvantage of the terms proposed and the larger amount that could be obtained by a different arrangement for the present cost and extension of the Church of England in Upper Canada. 6

January 29,
Fitzroy
Harbour.

Shirreff to Hillier. Has been investigating the quality of pine on the Ottawa and finds that there is no danger of allowing it to be cut. Remarks on the lumber trade and answer to the objection that it is opposed to the improvement of the country. The nature of the soil on which it grows. The prosecution of the trade natural to a newly settled woodland country. 172

January 31,
York.

Maitland to Bathurst (No. 173). Transmits papers relating to the conduct of Chief Justice Powell, and as the subject is in a great measure personal, he has sent a copy of the letter to Powell. 14

Memorandum of answer to be returned, that Bathurst disapproves of Powell's conduct, but that as he desires to retire from the office of Chief Justice and speaker of the Legislative Council, a pension of £1,000 a year is authorized to be paid him on account of his long and useful services. 17

Enclosed. Message of lieut. governor Maitland to Executive Council on the conduct of Chief Justice Powell; his (Maitland's) decision to have no communication with Powell except in writing or in the presence of third parties, owing to his misrepresentations. 18

Minutes of Executive Council on the case of Chief Justice Powell 24th, 25th and 26th January, with list of documents laid before it. The documents are given in full pp. 35 to 69. 23

Report of Council censuring the Chief Justice for the course he had followed. 28

February 9,
York.

Documents 1 to 12 laid before the Executive Council. 35 to 102
Maitland to Bathurst (No. 174). Transmits copy of address presented to him by the Clergy Corporation of Upper Canada. Recommends the adoption of the suggestion it contains as of great importance to the interests of the established church. 104

Enclosed. Address from the clergy of Upper Canada in their corporate capacity, asking that in the negotiations for the sale of the clergy reserves the clergy may be represented by a commissioner to assist in the valuation. 106

February 11,
York.

Maitland to Bathurst (No. 175). Transmits copies of his speech and of the addresses in reply on the opening of the first session of the ninth Parliament. 109

Enclosed. Speech. 111

Address from the Legislative Council. 116

Address from the Assembly. 121

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Page 448

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1825.
February 24,
York.

W. Morris to Hillier. Discussion produced by the application of the president and directors of the Welland Canal Company; is much afraid that the munificent offer of the British Government will not be met in the spirit the importance of the subject demands. Suggests that a small duty on timber cut on the Crown lands would meet the interest and liquidate the principal of the sum advanced for the canal between Ottawa and Kingston. As the people on the North Shore will desire as much advantage from access to Lake Ontario as those on the south, the duty should be imposed also on timber cut there. The supply of lumber on both sides of the Ottawa will last for twenty years, and as to the objection to allowing the timber to be cut, it has been shown that, without permission, the forests in every part of the province have been divested of valuable timber. The lumber trade is the staple commerce of Canada, and every obstacle to its prosperity should be removed. The importance of the canal in event of war. Page 181

March 1,
York.

Maitland to Bathurst (No. 176). Transmits application from Boulton, solicitor general, to be appointed to fill the vacancy on the Bench. Having already promised Sherwood his influence cannot recommend that Boulton's application be granted. 129

March 7,
York.

Enclosed. Memorial of Henry John Boulton. 131
Maitland to Bathurst (No. 177). Asks that another member be appointed to the Executive Council, and recommends James Macaulay for the office. 137

March —.

The same to ——. Sends copy of the 47th article of instructions relating to the division of parishes, which raises a doubt in his mind as to the competency of the Executive to carry the object into effect without the action of the legislature. 185

April 20,
York.

The same to Bathurst (No. 178). Has closed the session. The delay caused by controverted elections led the most experienced to absent themselves, leaving a majority who showed little desire to support the interests of their constituents. Seeing little prospect of much good, he put an end to the session. The supply bill was not refused, but was so reduced that the Council would not pass it without explanations. The number in the Assembly unacquainted with public affairs and therefore suspicious. Hopes by another session they will exhibit some desire to relieve themselves from the reproach now generally cast upon them. 140

Enclosed. Resolutions of the Legislative Council respecting the supply bill; information on the subject of its insufficiency asked and refused. Obligations previously assumed stated. The want of information as to the reasons for the reduction not being given, the Council cannot pass the supply bill. 143

April 22,
Queenstown.

Speech at closing. 147
Maitland to Bathurst. Has granted leave of absence to Justice Boulton and Mr. Robinson, attorney general. 186

April 22,
Queenstown.

The same to the same. Introduces Robinson, attorney general, by whom he has sent a paper containing the heads of various matters which he can explain as he is in possession of his (Maitland's) views. 162

April 22,
Queenstown.

Enclosed. Memoranda on various subjects. 163
Maitland to Bathurst. Transmits petition from the corporation for the management of the clergy reserves on the question of the proposed sale. Has ventured to allay the anxiety of the clergy by assuring them of Bathurst's lively interest. 151

Enclosed. Petition to the House of Commons from the corporation for the management, etc., of the clergy reserves, praying that the lands be removed from the sale to the land company and that no sales be made except by the corporation with the concurrence of government. 153

1825.
 Petition to the King from the same. Page 161
 (The introduction only copied, the rest being identical with the petition to the House of Commons.)
- April 25, Queenstown.
 Maitland to Bathurst (No. 181). Had laid before the Assembly the reply to the address on the subject of half-pay to the incorporated militia, which he thought would be conclusive. Transmits another address on the same subject with his answer. 187
Enclosed. Address for half-pay for the officers of the incorporated militia. 189
 Answer. 192
- April 26, Queenstown.
 Maitland to Bathurst (No. 182). Transmits address from the Assembly for the information as to the intended Canada Company, with answer. 194
Enclosed. Address from the Assembly for information on the subject of the Canada Land Company instituted to purchase the Crown and clergy reserves. 196
 Reply by lieutenant governor. The company is not yet incorporated, and although he has had information sent him, he does not feel at liberty to communicate it without express sanction. He might state generally, however, that it was to be constituted to acquire waste lands. 197
- April 28, Queenstown.
 Maitland to Bathurst (No. 183). Sends copy of addresses from the Assembly, with his replies. 199
Enclosed. Address from the Assembly for a return of the fees for land paid to government and their appropriation for the last four years; also statement of the annual receipts from leased Crown reserves. 201
 Reply by Maitland. He is restrained from furnishing accounts of the territorial revenue without express permission, except to the Treasury, but shall forward the address. He may, however, state that the fees have never met the expenses. 202
 Address for a return of the amounts from fines, forfeitures and ferries paid to the Receiver General for the last four years and the appropriation of the amount. 205
 Reply by Maitland. He is restrained from making the return asked for, but shall forward the address. 206
- May 4, Queenstown.
 Maitland to Bathurst. To supply the deficiency in the evidence respecting the nature of Randall's petition, sends papers from Thomas Clarke in proof of his title. The attorney general who will be in London as soon as the papers, is in full possession of the proceedings in the case. 209
Enclosed. Memorial from Thomas Clarke on the incorrectness of Randall's statements. Sends documents in evidence. The list of these are at page— 211
 The memorial itself. 210
 The enclosures are chiefly certified copies of deeds. They are at the following pages: (No. 1) 232, (2) 217, (3) 221, (4) 226, (5) 237, (6) 241, (7) 254, (8) 258, (9) 267, (10) 271, (11) 273, (12) 275, (13) 278.
- May 14, Queenstown.
 Maitland to Bathurst (No. 185). From the inconvenience arising from the want of members of the Executive Council at the seat of government submits the name of Lt. Col. Wells. The right to the salary should, he suggests, be dependent on the attendance and not merely on the seniority. 286
- May 16, Queenstown.
 The same to the same (No. 186). Transmits provisional agreement with the Chippewas for the cession of a tract of land on Lake Huron. 289
Enclosed. Provisional agreement. 291
- May —, Downing Street.
 Unsigned (Wilnot Horton) to Maitland. Sends copy of the answer to Boulton to his application. 135
Enclosed. Unsigned to Boulton. There being no vacancy in the Bench of Upper Canada, Bathurst cannot promote any one nor can His

1820.
 March 22,
 York.

1821.
 April 17,
 York.

1822.
 July 8,
 Treasury.

1824.
 November
 Downing
 Street.

1825.
 April 6.

April 14,
 York.

June 21,
 York.

June 22,
 Stamford.

1825.

Lordship hold out any confident expectation that he will be able to comply with his (Boulton's) application at a future period. Page 136

LIEUT. GOV. SIR P. MAITLAND, 1825.

Q. 338-2.

1820.

March 22,
York.

Petition of John Beikie.

1821.

April 17,
York.

Certificate by Coffin. Both enclosed in Maitland to Bathurst, 5th December, 1825.

1822.

July 8,
Treasury.

Lushington to Buchanan, consul at New York. Enclosed in Maitland to Bathurst, 18th August, 1825.

1824.

November 30,
Downing
Street.

Bathurst to Maitland. Enclosed in Maitland to Bathurst, 30th June, 1825.

1825.

April 6.

Report of railway committee. General remarks on the report of the commissioners on internal navigation in Upper Canada against the charge of want of enterprise in constructing public works, as compared with the state of New York. Probability that the calculations of the engineers are correct. The favourable condition of Upper Canada in respect to climate, fertility, &c., for the works proposed for internal navigation. The advantages of the military settlements and the communication by the Ottawa and Rideau. Remarks on the canal to connect Lakes Erie and Ontario and its importance. Estimate of the cost of canals of different dimensions. The propriety of the work preceding requirements so as to give a greater impulse, rather than to wait the time when the work should be required. Page 306

April 14,
York.

Memorial of the Welland Canal Company. That they have increased the capital of the company from £40,000 to £200,000 to enlarge the canal and ask for a grant of the unconceded Crown lands in the township of Wainfleet, with such other lands in the western part of the province as may be considered an efficient encouragement. 302

June 21,
York.

Maitland to Bathurst (No. 188). Sends return of the revenue and expenditure of the colony. The military expenditure will, no doubt, be sent by the military department. 335

June 22,
Stanford.

Maitland to Bathurst (No. 189). Asks for decision on the pretension lately set up by the Minister of the Presbyterian congregation of the Kirk of Scotland, in Kingston, to the right of burying their dead in a burying ground at that place according to the manner of that persuasion, a pretension resisted by the rector of the parish. Has submitted the petitions, &c., of both parties to the Executive Council, whose report (enclosed) recommend a reference to His Lordship. A piece of ground had been added to that already assigned to the Presbyterian congregation. The bad effect of the excitement, as the members of the Church of Scotland had, unlike those from the United States, been disposed to connect themselves with the Church of England and in many parts of the province had assisted liberally in the erection of her places of worship. 337

Enclosed. Report of the Executive Council on the subject of a burial ground at Kingston, respecting which a collision had occurred between the clergymen of the Church of England and of the Church of Scotland. 340

1825.

Petition of the Minister and Church Wardens of St. George's Church Kingston. Represent that the lower burying ground has been in possession and under control of the parish since 1784; that a considerable sum has been expended on it; that other religious bodies are asserting that they have an equal right with the members of the Protestant Episcopal Church; the bad results of which they point out and ask that letters patent be issued vesting the property in trustees for the exclusive use of the congregation of St George's Church. Page 345

Documents in support of the petition and correspondence on the subject. 349 to 413

June 23,
Queensdown.

Maitland to Bathurst. Submits memorial from members of the Church of England for assistance towards building a new church, which they are obliged to make larger than is otherwise needed, so as to provide for the military. 414

Enclosed. Memorial. 416

June 30,
Stamford.

Maitland to Bathurst (No. 190). Forwards memorial from Mr. Justice Campbell to be appointed Chief Justice when a vacancy shall take place. 420

Enclosed. Memorial. 422

Bathurst to Maitland, 30th November, 1824. In event of a vacancy, does not see how he could make a better selection for the office of Chief Justice than Mr. Justice Campbell, provided the vacancy shall occur at an early period, and that Campbell's age does not incapacitate him. 425

July 19,
York.

Racey to Hillier. Enclosed in Maitland to Bathurst, 18th August, 1825. Memorial of same date enclosed in the same letter. 425

August 11,
Stamford.

Maitland to Wilmot Horton. Introduces Hayes, who was recommended by the Duke of Richmond. 429

August 18,
Perth.

Powell to Hillier. Enclosed in Maitland to Wilmot Horton, 30th September, 1825. 431

August 18,
York.

Maitland to Bathurst (No. 191). Had sent a memorial from Thomas Racy for relief, on account of the loss he had sustained by infringement of an Imperial Act, of whose existence he was not aware. The application rejected by the Treasury, who granted similar relief to that asked for to merchants of the United States. The serious loss he has sustained for which he applies for a grant of land. 431

Enclosed. Racy to Hillier, 19th July. States the circumstances of his case, which led to the contravention of the Act, he not being aware of its provisions. His heavy losses. 434

Lushington to Buchanan, consul at New York, 8th July, 1822. The Treasury, in compliance with petition of United States lumber merchants, have authorized the admission of their lumber at a low rate of duty. 436

Petition, 19th July, 1825, from Racey. Sets out the transaction in staves which has caused the loss represented, for which he asks for a grant of land. 438

(The name is sometimes signed Racy and sometimes Racey.)

September 19,
Stamford.

Maitland to Bathurst (No. 192). Sends abstract from the Docket books of the auditor of land patents. 443

1825.

ABSTRACT from the Auditor's Docket Books of Grants of Land which have passed the Great Seal of the Province between the 1st day of January and the 31st day of December, 1824, inclusive, showing the number of grants of each Class made in each District, and the gross number of Acres granted:—

Page 445

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Home	York.	48	650	300	13,500	87	20,207
		2	100	4,800			
		2	150	300			
		24	200	4,800			
		2	300	600			
		1	400	400			
	Simcoe.	3	500	1,500	6,707	48	
		1	800	800			
		9	50	450			
		24	100	2,400			
11		200	2,200				
1		300	300				
Eastern	Glengarry	1	357	357	795	5	3,203
		2	500	1,000			
		2	100	200			
		1	115	115			
	Dundas.	1	180	180	400	1	
		1	300	300			
	Stormont.	1	50	50	2,008	8	
		2	100	200			
		1	109	109			
		2	200	400			
Ottawa	Prescott.	1	232	232	11,600	49	18,520
		1	1,017	1,017			
		17	50	850			
		22	100	2,200			
		6	200	1,200			
		1	350	350			
	Russell.	1	400	400	6,920	25	
		1	1,000	1,000			
1		5,600	5,600				
1		70	70				
8		100	800				
11		200	2,200				
Johnstown	Grenville.	2	400	800	5,177½	46	
		1	500	500			
		1	1,250	1,250			
		1	1,300	1,300			
		1	12	1½			
		1	6	6			
		1	60	60			
		1	70	70			

1825.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Johnstown....	Leeds	1	8	8	15,215	148	20,892½
		1	40	40			
		6	50	300			
		1	60	60			
		2	61	122			
		1	65	65			
		2	80	160			
		1	90	90			
		118	100	11,800			
		2	110	220			
		1	120	120			
		1	122	122			
		1	123	123			
		1	127	127			
		3	130	390			
	Carleton	1	180	180	34,736	279	34,747
		4	200	800			
		1	488	488			
		1	40	40			
		2	60	120			
		2	80	160			
		232	100	23,200			
		1	140	140			
		1	160	160			
		1	175	175			
		1	180	180			
		22	200	4,400			
		1	240	240			
		5	300	1,500			
		1	325	325			
Bathurst	Town of Perth	1	1	1	2	3	
		1	1	1			
		1	1	1			
	Town of Richmond.....	1	9	9	9	1	
Lanark.		12	25	300	48,462	476	48,462
		5	50	250			
		1	67	67			
		1	70	70			
		1	73	73			
		1	75	75			
		8	80	640			
		1	98	98			
		427	100	42,700			
		1	125	125			
		1	139	139			
		1	150	150			
		12	200	2,400			
		2	300	600			
		1	375	375			
		1	400	400			

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INDIAN AFFAIRS BRANCH

1825.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.		
Midland	Frontenac	1	180	180	3,508	6	10,595½		
		1	250	250					
		1	400	400					
		1	505	505					
		1	393	393					
	1	1,780	1,780	2,775	22				
	Hastings	1	75			75			
		15	100			1,500			
	6	200	1,200			3,712		6	
	Town of Belleville	1	½						½
1		½	½						
Lennox and Addington ..	1	50	50	600	5				
	3	100	300						
	1	222	222						
	1	3,140	3,140						
	4	100	400						
Prince Edward	1	200	200	8,750	112				
	68	50	3,400						
	39	100	3,900						
	3	200	600						
	1	400	400						
New Castle	Durham	1	450	450	22,631	87	31,381		
		1	5	5					
		33	50	1,650					
		39	100	3,300					
		1	130	130					
	Northumberland ..	1	165	165				861	5
		7	200	1,400					
		1	281	281					
		1	330	330					
		1	400	400					
		1	424	424					
		1	500	500					
		1	606	606					
		1	900	900					
		1	1,840	1,840					
1	3,200	3,200							
1	3,500	3,500							
1	4,000	4,000	6	3					
Town of Niagara	1	4			4				
	2	1			2				
Lincoln	2	100			200	867	5		
	1	161			161				
	1	200	200						
	1	300	300						
Gore	Wentworth ..	1	100	100	500	3	22,750		
		2	200	400					
	Halton	3	50	150	22,250	141			
		78	100	7,800					
		54	200	10,800					
		2	300	600					
		3	500	1,500					
		1	1,400	1,400					

1825.

ABSTRACT from the Auditor's Docket Books of Grants of Land.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.	
Western.....	Town of Amherstburgh..	1	8070	8070	Sq. ft. 24,905	3	14,450 ³ / ₄ and 24,905 sq. ft.	
		1	8160	8160				
		1	8675	8675				
	Essex.....	3	170	510	2,454	12		
		1	180	180				
		6	200	1,200				
		1	274	274				
	Kent	1	290	290	11,989	48		
		13	100	1,300				
		1	125	125				
		19	200	3,800				
		1	280	280				
		8	300	2,400				
		1	434	434				
		1	500	500				
		1	550	550				
		2	800	1,600				
	1	1,000	1,000					
Town of Chatham.....	1	3	3	7 ³ / ₁₀	2			
	1	4 ³ / ₁₀	4 ³ / ₁₀					
London.....	Middlesex ..	1	30	30	20,876	120		
		57	100	5,700				
		1	120	120				
		1	126	126				
		61	200	12,200				
		1	300	300				
		1	400	400				
		2	500	1,000				
		1	1,000	1,000				
	Norfolk.....	1	200	200	1			
	Oxford	5	50	250	8,550	51		
		25	100	2,500				
		16	200	3,200				
		3	400	1,200				
		1	600	600				
		1	800	800				
	Total					1810		Acres. 255,201 ³ / ₄ Sq. ft. 24,905

S. HEWARD,
Auditor General, U.C.

AUDITOR GENERAL'S OFFICE,
York, 15th January, 1825.

RECAPITULATION OF THE WITHIN GRANTS OF LAND.

Acres and Square Feet.	No. of Grants.	Number of Acres.	Grants to Bona Fide Settlers of U.R. Loyalists.	Grants to Surveyors.	Grants to the Militia.	Full Fee Grants.	Grants to Militia.	Grants to Mercantile.	Grants to Provincial Sea-men.	Grants Where the Fees are Suspended.	Grants Under Special O.C.
Grants under 100 acres.....	211	10,230 ¹⁷ / ₁₆	2	2	150	12	1	144	.....	50	1
" of 100 acres.....	1,189	118,900	2	.....	.....	142	.....	14	.....	830	13
" over 100 acres and under 200 acres.....	34	4,892	.....	1	17	9	.....	3	.....	18	1
" of 200 acres.....	272	54,400	100	46	1	58	.....	5	.....	37	1
" over 200 acres and under 300 acres.....	8	2,069	.....	2	.....	3	.....	.....	.....	1	.....
" of 300 acres.....	24	7,200	.....	.....	.....	3	.....	7	.....	8	.....
" over 300 acres and under 400 acres.....	9	3,296	.....	2	1	.....	.....	1	.....	5	.....
" of 400 acres.....	19	7,600	.....	2	1	5	.....	1	.....	11	.....
" over 400 acres and under 500 acres.....	4	1,796	.....	.....	.....	1	.....	.....	.....	.....	.....
" of 500 acres.....	13	6,500	.....	1	9	4	.....	.....	.....	.....	.....
" over 500 acres and under 600 acres.....	2	1,055	.....	.....	.....	1	.....	.....	.....	.....	.....
" of 600 acres.....	1	600	.....	.....	.....	.....	.....	.....	.....	.....	.....
" over 600 acres and under 700 acres.....	1	605	.....	.....	.....	3	.....	.....	.....	.....	.....
" of 700 acres.....	4	3,290	.....	.....	1	.....	.....	.....	.....	.....	.....
" of 800 acres.....	1	900	.....	.....	.....	1	.....	.....	.....	.....	.....
" of 900 acres.....	4	4,000	.....	1	.....	2	.....	.....	.....	.....	.....
" of 1,000 acres.....	4	4,000	.....	5	1	1	.....	.....	.....	.....	.....
" over 1,000 acres.....	11	28,027	.....	.....	.....	.....	.....	.....	.....	.....	.....
Grants under 1 acre, in square feet.....	3	255,201 ¹⁷ / ₁₆	.....	.....	.....	3	.....	.....	.....	.....	.....
Total Grants.....	1,810	255,201 ¹⁷ / ₁₆	102	62	181	240	96	175	.....	990	5

S. HEWARD,
Auditor Genl. U. C.

1825.
September 29, York. Maitland to Bathurst. (No. 193). Leave of absence granted to Boulton solicitor general. Page 452
- September 30, York. The same to Wilmot Horton. With reference to petition of Mrs. Gibbons for a free passage to enable her to join her husband at Perth, sends report from Powell, late superintendent of the Perth settlement, respecting Gibbons. 454
- Enclosed.* Extract from report of Powell, that Gibbons is in different health and unable to support himself. The good character of Gibbons. Has long been anxious to have his wife and the rest of the family with him, but has never had the means to pay their passage. 456
- October 5, York. Maitland to Bathurst (No. 194). The commissioners of the Board of Ordnance had left before the dispatch was received. Had, however, given them every assistance. 459
- October 6, York. The same to the same (No. 195). In reference to the mill site required by the Admiralty for the use of the dockyard at Kingston, reports that it has been leased for ninety-nine years in 1816 to a Mr. Hamilton, who is willing to surrender the lease for waste lands in Quebec. Has written to the government of that province on the subject. 461
- October 7, York. The same to the same. (No. 196). Has received dispatch announcing the appointment of Hay to the Colonial Office. 463
- October 12, Burlington Bay. William J. Kerr. Memorial enclosed in Maitland to Bathurst, 15th December, 1825.
- November 4, York. Maitland to Bathurst (No. 197). Can find no trace in the records of the idea that an Indian is not to be held amenable to law for offences committed against another Indian in His Majesty's dominions. 465
- November 5, York. The same to Wilmot Horton. (Private). Supposed that the question of the projected land company had been settled when he received the enclosed paper from Dr. Strachan. Finding now that the arrangement is likely to undergo revision, sends the paper which is of importance. 467
- Enclosed.* Memorandum from Dr Strachan on the value of the land as reported by the commissioners, and the erroneous principle laid down for their guidance. Calculations to show what should have been the real value as compared with that stated by the commissioners. 468
- November 9, York. Minute of Executive Council. Enclosed in Maitland to Bathurst, 5th December, 1825.
- November 21, York. Maitland to Bathurst (No. 198). Has received dispatch containing disapprobation of Chief Justice Powell's recent conduct and announcing His Majesty's permission for him to resign, but as no formal instrument has been received, had asked Powell to continue in the exercise of his functions. The difficulties he raised. Had therefore, appointed Campbell to be Chief Justice, Sherwood to be puisne judge until His Majesty's pleasure shall be known. 508
- November 22, York. The same to the same (No. 199). Has, as instructed, selected two surveyors to make a survey of the pine lands in the neighbourhood of the Ottawa and has added the master shipwright of the dockyard at Kingston. The report of the survey shall be sent as soon as ready, with suggestions as to the lumber trade. As the left bank of the Ottawa is within the limits of Lower Canada, most of the regulations made for the timber floated down the streams must be nugatory unless the sister province adopt similar regulations. 511
- November 24, York. Same to the same (No. 200). The congregation of Scots Presbyterians have asked him to send memorial on the subject of the grave yard at Kingston. The memorial is accompanied by remarks which contradict statements of the Executive Council already transmitted. Had given the Council an opportunity to revise their report, transmits this additional report with affidavits which justify the first. 514

1825.

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Page 452
on of Mrs.
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transmits
514
- November 25,
York.
Enclosed. Memorial to the King by the minister, elders and trustees of a congregation of the church of Scotland at Kingston on the subject of a burying ground there. Page 516
Report of the Executive Council on the memorial. 520
Affidavits by Thomas Markland (526), John Ferguson (529), William Crawford (531), and John Carscallon (535). 526 to 539
Other documents. 540 to 550
Maitland to Bathurst (No. 201). The provincial legislature assembled on the 7th instant. Sends copies of his speech and of the addresses in answer. 551
Enclosed. Speech. 553
Answer by Legislative Council. 559
Reply by Governor. 564
Answer by Assembly. 565
Reply of the Governor. 571
- December 5,
York.
Maitland to Bathurst (No. 202). The Executive Council recommends a grant of land to John Beikie. His meritorious services. 574
Enclosed. Minute of Executive Council recommending the grant. 576
Petition of John Beikie. 579
Coffin, Adjutant General of Militia. Certificate of the services of John Beikie. 581
- December 5,
York.
Clergy reserve commissioners to Maitland. Enclosed in Maitland to Bathurst, 12th December.
- December 10,
York.
Chief Justice Campbell to Maitland. Enclosed in Maitland to Bathurst, 29th December.
- November 12,
York.
Maitland to Bathurst (No. 203). Sends for decision application from the clergy reserve commissioners for a sum of money to defray the travelling expenses of the Archdeacon of Quebec on his voyage to England. 583
Enclosed. Clergy reserve commissioners to Bathurst. Report the mission of the Archdeacon of Quebec to England to urge the prayer of petition for the withdrawal of the clergy reserves from the contemplated sale to the Canada Company. The Archdeacon has reported his expenses to have been £200 sterling for which a warrant is asked. 585
- December 15,
York.
Maitland to Bathurst (No. 204). Forwards memorial from William Kerr, formerly a captain in the Indian department, praying for half pay, together with certificates, &c. 588
Enclosed. Memorial, dated 12th October. 590
Other documents in support of his claim. 594 to 603
- December 19,
York.
Maitland to Bathurst (No. 205). The incalculable importance of the immediate establishment of a university. How the land could be disposed of for this purpose. 604
- December 28,
York.
The same to the same (No. 206). Calls attention to an error he has found in the letter book, and which may have been in the original, reporting the opinion of the law officers respecting the clergy reserves and for which Church they are intended. 607
- December 29,
York.
The same to the same (No. 207). Sends report of a conviction for child murder; Chief Justice Campbell recommends that the persons convicted shall have a conditional pardon. 610
Enclosed. Report by Chief Justice Campbell of the trial of King Hans Howe and Elizabeth Maxwell for child murder. The slightness of the evidence; recommends a pardon. 612

PUBLIC OFFICES AND MISCELLANEOUS, 1825.

Q. 339-1-2.

(Part 1 is paged from 1 to 252; part 2 from 253 to 489).

1814.
July 29,
Montreal. Prevost to Bathurst (No. 178). Apparently enclosed in Wilmot Horton to A. McLean, 20th August, 1825.
1820.
August 13,
York. Small to McGregor. Enclosed in McGregor to Bathurst, 9th November, 1825.
1823.
December 20
Quebec. Turquand to Maitland.
1824.
January 12,
York. Hillier to Turquand.
- January 22,
Quebec. Turquand to Hillier.
- February 21.
Montreal. The same to the same. This and the three preceding papers enclosed in Harrison to Wilmot Horton, 29th March, 1825.
- April 30.
London. Dr. Strachan to Wilmot Horton. Sends remarks on Bishop Macdonell's claim, a short paper on the subject of transporting convicts to labour in Upper Canada and on Bishop Macdonell's remarks on emigration. Had enclosed observations on the military settlements in the paper which he left at his (Wilmot Horton's) house. Page 442
- August 9,
Drummond
Island. Speech by Drummond Island Indians.
- August 10,
Drummond
Island. McKay to Claus. Both enclosed in Lushington to Wilmot Horton, 25th May, 1825.
- August 24,
Downing
Street. Wilmot Horton (?) to Maitland. Memorandum respecting Bastable. He is to be shown every attention, but the amount of the grant of land is to be proportioned to Bastable's capital. 118
- Undated and unsigned. Memorandum respecting the proceedings in respect to Bastable's proposals for emigration, &c., 119
- September 18,
Fort George. Claus to A. K. Johnson. Enclosed in Lushington to Wilmot Horton, 25th May, 1825.
- October 30,
War Office. Palmerston to Harrison. Enclosed in Herries to Wilmot Horton, 13th September, 1825.
- November 11,
Augusta. Petition of Abigail, widow of the late Alexander Campbell, to be put on the compassionate list. 148
- November 30,
York. Certificate attached. 150
- November 30,
York. Maitland to Herries. Enclosed in Harrison to Wilmot Horton, of 29th March, 1825.
- December 20,
Downing
Street. Wilmot Horton to Angell. Enclosed in Angell to Bathurst, 17th January, 1825.
1825.
January 1,
London. Order of the House of Lords for a return of the produce of the duty on flour, not in barrels, from the United States. 2
- January 5,
New York. Thomas W. Moore to Wilmot Horton. By desire of Hillier sends letter addressed to G. H. Markland, Upper Canada, to him (Wilmot Horton) for safe delivery. 229
- January 14,
Treasury. Harrison to the same. In consequence of representation, authority has been sent to pay William Low, late of the provincial navy, seven shillings a day. 45

1825.
January 17, Lambeth. Angell to Bathurst. Desires to know the reason for the refusal of Maitland to grant him land to which by regulation he was entitled. Challenges the strictest investigation into his life. Page 91
A note from Wilmot Horton explains that Angell was refused the grant because he was removed from the commissariat for impropriety of conduct. 93
Wilmot Horton to Angell. Bathurst is satisfied with Maitland's reason for refusing the grant and cannot interfere. 94
January 30, York. J. B. Robinson to Wilmot Horton. Sends paper (subject not stated) written immediately on seeing Stuart's observations. Nothing has been heard of the Union for a long time. Will send on a paper on the general Union. The Legislature is in session; it is not so well composed as the last and contains a good many troublesome people. Sends speech at the opening of the House. 352
February 4, Treasury. Enclosed. Upper Canada Gazette, with the proceedings at the opening of the legislature, the governor's speech &c. 354
February 7, London. Heb to Wilmot Horton. E. Angell employed in the commissariat department in France, was dismissed by the commissary general, who had power to do so without reference to the Treasury. 46
February 7, London. Roger to Bathurst. Applies for 2,000 acres of land in Upper Canada. Confesses an offence of which he has been guilty and for which he had incurred Bathurst's displeasure. 359
February 7, London. Allair to Wilmot Horton. Had brought letter from Hillier to Penn on the subject of taking up two commissions. Penn being no longer in office, asks to whom he should apply for them. 95
February 7, Winchelsea. Powell to the same. Was allowed in January, 1824, to delay proceeding to Upper Canada, to take up the lands granted him. Asks now that his son be allowed to take up the land in his name and to superintend the improvements as he cannot now leave owing to the state of his wife's health. 332
February 8, Treasury. Medical certificate of the bad state of Mrs. Powell's health. 336
Harrison to Wilmot Horton. Transmits letter from the commissioners of audit respecting a claim of Dunn, Receiver General of Upper Canada, for commission on sums received by him and desires to have Bathurst's opinion on the subject. 47
Enclosed. Mallet to Harrison 1st February. Respecting Dunn's claim. 48
February 10, York. Maitland to Herries. Enclosed in Lushington to Wilmot Horton 25th May, 1825.
February 10, Lambeth. Memorial of John Ayton for pecuniary assistance to enable him to take his wife to Canada where he is settled. 89
February 12, Kingston. Bastable to Wilmot Horton. Reminds him of the promise respecting emigration from Ireland, and of his application to be employed jointly with Robinson, or to be allowed a sum of money to assist him in bringing out settlers who are waiting to return with him. His disappointment at the restrictions on the extent of grants of Crown lands but the Executive Council had recommended that a portion of ground should be set apart for the emigrants he expected, although this falls short of his expectations and the townships offered are very remote from communication with markets. Hopes that instructions may be sent to put him in possession of a portion of Crown reserves or a considerable amount of available lands. Maitland shows every disposition to meet his (Bastable's) views, but is restricted by regulations. The desire for union of the provinces, the names of many were attached to petitions against it without their knowledge. 113
February 12, Kingston. Same to Grant. Thanks for kindness received. Death of his (Bastable's) daughter. His proposed arrangements for emigration, 113

- 1825.
- February 16, York. owing to Wilmot Horton's encouraging letter. Asks that he be reminded of the promise respecting emigration. Page 116
Robinson to Wilmot Horton. Sends a letter principally on the subject of a general union, which he has addressed to Bathurst. Asks him to read it before submitting it to His Lordship, and if his expressions appear too plain respecting the government of Lower Canada, hopes he will assure His Lordship that the error arises from zeal having got the better of judgment. 361
- February 23, York. Maitland to Bathurst. Enclosed in Markland to ——— 12th March, 1825. 361
- March 8, Treasury. Harrison to Wilmot Horton. Transmits requisition for Indian presents for Bathurst's opinion. 50
- March 9, War Office. Merry to Wilmot Horton. Asks for the amount of salary and date of appointment of Anthony Leslie, who applies to have his half-pay in addition. 37
- March 10, York. Maitland to Harrison. Enclosed in Harrison to Wilmot Horton, 24th June. 37
- March 12. Markland to ———. Encloses letter for Bathurst from Maitland forwarded to him (Markland) from Upper Canada. 230
Enclosed. Maitland to Bathurst, 23rd February. Introduces and recommends Markland. 231
- March 17, Lambeth. Angell to Wilmot Horton. Asks for an interview, when he could furnish him with information that would be useful in the discussion of the Land Company's bill. 96
- March 22, Lambeth. The same to the same. Had been under the impression that government had decided as to the best means of introducing capital into the Canadas and that the proposed company was considered eligible for that purpose. The next consideration would be the price at which the land should be sold, respecting which he could furnish useful information. The prospectus and plan of agency would give this useful information. The prices current would have continued had the Surveyor General's office afforded necessary facilities. The differences in the value of lands owing to situation, &c. The increase in the price of wheat and the change this created. The advantages possessed by the deputy surveyors for the acquisition of land, &c. Remarks on prospectus No. 2, in respect to opening an agency in London. 97
Enclosed. Prospectus of the York Estate Directory and Price Current office. 101
Form of a statistical report. 105
- March 23, Treasury. Hill to Wilmot Horton. Asks for the return of Sir P. Maitland's letter and enclosures, which accompanied Harrison's letter of the 8th instant. 51
- March 29, Alnwick. D. W. Smith to the same. Sends memorial to be laid before Bathurst. Hopes he will be induced to promote its objects. 422
- March 29, Alnwick. Memorial of Smith (described as of Pickering). Asks for a moderate grant of land, or if not, that he would be allowed to purchase part of the clergy reserves in the township of Pickering. 440
Note on Pickering. That if it is a township marked out, the Canada Company have a right to buy all the Crown reserves. If there are other ungranted lands the contract with the company would oppose no obstacle to compliance with Smith's desire. 439
- March 29, Treasury. Harrison to Wilmot Horton. Transmits letter, etc., from Maitland, respecting the course adopted to liquidate the losses sustained by the inhabitants of Upper Canada during the war of 1812; the report is satisfactory. 52
Enclosed. Maitland to Herries, 30th November, 1824. Manner in which the claims for losses were examined, certified, and paid. Correspondence sent. 53

1825.

Turquand to Maitland. 29th December, 1823. Will be prepared to transmit the amount in payment of the losses sustained during the war, when he shall be informed if the whole sum or only 25 per cent of it is to be deposited and how it is to be paid. Page 56

Hillier to Turquand. 12th January, 1824. He (Hillier) is to blame for not addressing the commander of the forces officially on the subject of the claims for losses. Maitland thinks it would be desirable if the payment could be made in detail at York by the commissariat officer. The whole sum of £57,410 will be required, but £10,000 at a time will be sufficient. 59

Turquand to Hillier. 22nd January. Has been informed of the sum required to which he will attend. Desires to have fuller directions as to the manner in which Maitland desires to have the claims settled. 61

The same to the same. 21st February. Has arranged with the Bank of Montreal for the financial part of the settlement with the claimants for losses during the war of 1812. 65

Merry to Wilmot Horton. For the amount of salary and date of appointment of assistant surgeon James Sampson, who has applied to retain his half pay whilst commissioner of Customs. 38

Petition of Josias Tayler, captain on half pay, of the late Canadian regiment, states his services in detail, and prays for a proportion of wild lands. 481

William Maitland to the same. Encloses letter from Sir D. W. Smith, and asks for an interview. 232

Merry to the same. Requests an early answer to question respecting assistant surgeon Sampson's salary. 39

Memorial of Mrs. Gibbens, wife of John Gibbens, now in Perth, Upper Canada, for a free passage for herself and family to enable her to join her husband. 169

Certificates attached. 170, 171

Harrison to Wilmot Horton. No express provision has been made by the colonial legislature for an increase to Baby's salary and the Treasury has no funds applicable to such a payment. The Treasury has, however, no objections to Baby's claim being brought under the consideration of the colonial legislature. 69

Taylor to Lambert. Introduces Robinson and regrets that the regulations of the service will not admit of promotion for Lieut. Brooke. 7

Payne to Wilmot Horton. Sends letter from Lieut. Col. Cockburn to be transmitted to Upper Canada. 335

Markland to the same. Is informed that it is intended to leave the duty on flour from British North America as it stands, and only lessen that upon wheat. This will exclude the chief article of produce of Upper Canada and give an advantage to Lower Canada. The accessibility of Quebec and Montreal gives an advantage for transport which Upper Canada has not. The difficulties in the way of transporting wheat as compared with flour. Discusses the course of trade which must suffer from the obstacles to the sale of the chief produce of Upper Canada, which goes into the market under disabilities which do not affect the neighbouring provinces. The necessity for encouragement if the industry of Upper Canada is to be promoted. 234

D. W. Smith to the same. Apologises for having asked for that which could not be granted. Had he known the reserves were to be alienated he would have applied sooner; had he known they were promised to the Canadian Company he would not have asked for them. Asks him to read the enclosed memoir and present it to Bathurst as his apology. 423

Enclosed. "Sir David Smith's apology for having intuded himself "on the notice of the Colonial Department in an application to obtain a

1825.

"small part of the Crown Lands in Canada." A summary of his services with proofs of the value put upon them by the civil and military authorities as shown in their letters, &c. Page 425

A note attached directs that a copy of the memorial be sent to Maitland and that the agent of the Canadian Company be asked to give every reasonable facility to Smith to acquire the portion of the reserves he has applied for contiguous to his property. 437

April 29,
Kingston.

Bastable to Wilmot Horton. Had been prevented by illness from carrying out his intention of returning to London last spring, but is now able to undertake the voyage. There are many families now ready to embark from Cork who, he trusts, will prove useful ingredients in the colony. 121

April —.

William Maitland to the same (?) Reports his request for an interview. 233

May 1,
London.

Baron Seguier to the same (Maitland). Applies for the extract certifying the death of Jean François Marie Le Febvre, who died in Montreal on 1st March, 1819. 445

May 1,
Winchelsea.

Powell to the same. Owing to the state of his wife's health prays to be allowed till July, 1826, to proceed to Upper Canada to take up his land. 337

May 3,
Treasury.

Harrison to Wilmot Horton. In reference to claims of British subjects residing in Upper Canada for losses sustained by them in the United States, a report on the case of McGregor has been called for from the commissary general. In regard to the other claims, the principle of indemnification in such cases cannot be admitted. 71

May 4,
London.

Murray to Bathurst. Applies for leave being given to Chief Justice Powell to retire from the duties of his several offices on a pension equal to two thirds of his present salary as Chief Justice and Speaker of the Legislative Council. 240

May 8,
Liverpool.
May 11,
London.
May 19,
New York.
May 21,
Liverpool.

Barrie to the same. Sends packet of letters received from Maitland. 123

Murray to Wilmot Horton. Returns letter to Bathurst corrected. 242

Moore to the same. Forwards a letter addressed to John B. Robinson, attorney general of Upper Canada. 243

Robinson to the same. Has arrived to-day, but as his brother has taken his passage he must remain to meet him. Hopes to be in town on Thursday to see him and had already acquainted him with the object of his visit which is to be a very short one. Archdeacon Mountain will bring the dispatch for Bathurst. He is fully qualified to give information respecting the clergy reserves. 363

May 23,
Stamford.

Randal to Canning. Sends petitions against those who are depriving him of his property. Apologises for the profligacy of his petition but it was the only means of meeting the statements of his opponents in respect to the validity of the title of his property. 388

Enclosed. Statement in minute detail of the circumstances connected with his title to certain lands, and praying that the grant to the Honourable Thomas Clark of the Bridge Water place be cancelled to afford Randal an opportunity for legal redress. 391

May 25,
Lambeth.

C. C. Small to Bathurst. Thanks for the honour done to himself and his father. Intends sailing in a few days. 446

May 25,
Treasury.

A letter to Wilmot Horton of the same date is to the same effect. 447
Lushington to Wilmot Horton. Sends copies of correspondence respecting claim of the Potôganassé Indians for indemnification for the occupation of Drummond Island. 72

Enclosed. Maitland to Herries. Has settled the claim of the Indians for peaceable possession of Drummond Island before it was decided to be within United States territory by giving an excess in addition equal to their annual presents. 73

Claus to A. K. Johnson, 18th September, 1824. Transmits letter from McKay respecting the claims of the Indians of Drummond Island. 75

1825.

McKay to Claus. Transmits speech by the Potâganâsê by which they request remuneration for the occupation of Drummond Island.

Page 76

Speech, 9th August, 1824.

77

May 26,
Foreign office.

Planta to Wilmot Horton. Reminds him of the application from Rush, United States minister, respecting McDonnell's outlawry.

24

May 26,
London.

Greenwood, Cox & Co., to the same. For a certificate that Maitland was alive and in execution of his office from 1st April, 1824 to 31st March, 1825.

172

May 31,
Admiralty.

Croker to the same. Knows nothing of the matter. Cockburn sees no objection to his sending the letter.

4

June 4,
London.

Angell to the same. Submits a plan for improving the North American colonies.

107

June 7,
Rome.

Bishop Macdonell to Bathurst. Dr. Poynter having informed him that His Lordship desires him to return to Canada on account of the Irish emigrants, he will leave Rome immediately, although he has not quite completed his business which might be settled were His Lordship to write to Dr. Poynter to that effect. Will be in time to see the emigrants settled, but a few good and steady clergymen and school masters should be placed amongst them.

244

June 14,
London.

Angell to Wilmot Horton. Desires to suggest plans for the relief of Ireland by emigration, which will have great power and influence in promoting the welfare of the North American provinces.

108

June 15,
Treasury.

Harrison to the same. Maitland has been directed to issue a warrant for £242 11s. currency to McGregor, as payment for his losses during the late war, but this is the only claim of that nature that the Treasury feel justified in admitting.

80

June 21,
London.

A. McLean to the same. Advocates the claim of the incorporated militia of Upper Canada to half pay equally with the Voltigeurs of Lower Canada. The fear of establishing a precedent in case of granting this is not well founded, as there is no such corps similarly situated as the incorporated militia, who were regularly enlisted, whereas the embodied militia of Lower Canada were draughted from the general mass of the population to serve for a limited time in Lower Canada. The good conduct of the incorporated militia; they will not dread a comparison of their services with those of the Voltigeurs. The testimony that could be borne to their merits by Sir Gordon Drummond and Sir John Harvey, but believes there are sufficient documents in possession of Bathurst to prove their good conduct.

292

June 24,
London.

Robinson to the same. As to detention from returning to Canada, states that by remaining beyond the time fixed for his departure (1st July) he would be too late for the Eastern Circuit, whence he derives the chief part of his income.

366

June 24,
Treasury.

Undated. Memoranda for letters to be written on various subjects. Harrison to Wilmot Horton. Transmits copy of letter from Maitland relative to the payment of claims for losses.

81

Maitland to Harrison, 10th March. A balance is in the hands of the Receiver General after paying a portion of the amount for the claimants for losses in the war of 1812. That, with a sum of £800 from confiscated estates, enables him to pay another dividend. Has accordingly ordered a distribution of ten per cent.

82

June 27,
Boulogne-sur-Mer.

Gordon Drummond to Wilmot Horton. Urges that half pay be given to the surviving officers of the incorporated militia of Upper Canada, similar to that given to the Voltigeurs of Lower Canada.

163

June 27,
York.

Dr. Strachan to the same. Finding that his appointment to the Archdeaconry of Kingston was likely to create embarrassment, had requested the attorney general to state that he was ready to return the letter of appointment. The death of the Bishop of Quebec removes difficulties

1825.

June 28,
London.July 1,
London.July 1,
London.July 2,
London.July 6,
London.July 7,
London.July 7,
Lincoln's Inn.

and enables Quebec to be divided into two bishoprics, a measure essentially necessary for the progress of the church in the province. Believing the division will take place, reminds Wilmot Horton of his claim which he and Bathurst acknowledged and this claim to professional advancement would not be questioned by any one in Canada. Page 448

Galt to Bathurst. Thanks for the offer to present him at the levee. 174

Sir John Harvey to Wilmot Horton. The conditions of service of the incorporated militia of Upper Canada were the same as those of the Voltigeurs and an examination of the service, the returns of killed and wounded, &c., show that the claims of the former were at least equal to those of the latter. 102

Cockburn to the same. Submits hurried remarks. Thinks Bathurst has shown every consideration for the incorporated militia. 153

Enclosed. Cockburn to Wilmot Horton (?) Discusses the right of half-pay being paid to the incorporated militia of Upper Canada, as well as to the Voltigeurs of Lower Canada, and concludes that the militia regiments are not entitled to half-pay. Had his opinion been sought as to half pay for the Voltigeurs he would not have recommended the measure. There would be no difficulty in raising in Upper Canada the sum required. His appreciation of the services of the militia. 154

A. McLean to Wilmot Horton. Had a few days before delivered a letter from Sir Gordon Drummond on the subject of half-pay for the officers of the incorporated militia, now sends one from Harvey on the same subject. The testimonies from men of such position should be sufficient to warrant Bathurst to recommend the officers to the indulgent consideration of His Majesty. 305

The same to the same. Understands that the papers relating to the application of the incorporated militia for half pay have been referred to an officer who served in Canada. Asks that he may see the report when completed. Asks also for a copy of Prevost's dispatch recommending the Voltigeurs. 307

Robinson to the same. Has examined the rules respecting land grants in New South Wales and Van Dieman's land to see how far the system might be applied to Upper Canada. The lands to be given free to U E. loyalists and for military service in the latter province. Both these classes must stand and cannot be precluded by any change of regulations. Officers and men reduced in 1815, and going out to Canada also receive grants, but these are optional and may be discontinued with these exceptions. Sees no reason why the rules in New South Wales might not be acted upon in Upper Canada. As a preliminary, Upper Canada might be divided into parishes as proposed in New South Wales and Van Dieman's Land, but instead of parishes of 25 miles as there, he thinks each township should be divided into two parishes with an average area of 50 miles. The provision made for a Protestant clergy will not admit of a more numerous establishment. It is not stated how the value of the lands is to be ascertained. The few alterations he would suggest would be most conveniently presented in a paper framed on that referred to him. This he has done with the desire of avoiding unnecessary deviations because the more uniform such a system can be made throughout the colonies the better. 379

Enclosed. Proposed new system for granting lands in Upper Canada. 383

Bannister to Wilmot Horton. Requests him to lay the enclosed before Bathurst. 124

Enclosed. Bannister to Bathurst, same date. Points out the prejudicial effects of the proposed sale of the reserves to a company and the destruction of the interests of the lease holders. 125

Q. 339

1825
July 7,
BathurstJuly 8,
WinchesterJuly 9,
AdmiralJuly 9,
Foreign
July 9.July 11,
London.July 14,
London.July 1,
York.July 14,
York.July 20,
WinchesterJuly 2,
Ludlow.

1825.
July 7, Taylor to Wilmot Horton. Dalhousie has been instructed on his arrival to allow Maitland to return to England on leave of absence. Page 8
- July 8, Powell to the same. Renews his request to be allowed till July, 1826, to proceed to Upper Canada to take up his land. 340
- July 9, Barrow to the same. The commander of H.M.S. "Herald" has been directed to give a passage to Sir Peregrine Maitland and family, and the Bishop of Quebec and family, if they desire to avail themselves of the opportunity of returning to England, but he is not to wait longer than a fortnight or at the most three weeks after his arrival. 5
- July 9, Planta (?) to the same. Transmits petition from Randal. 25
- Foreign office,
July 9. Robinson to the same. His circuit being irretrievable, he will remain till the 21st. Has prepared minutes on the several points decided or on which he has been made aware of Bathurst's sentiments. Will be at his (Wilmot Horton's) service whenever he can give an hour to Canadian affairs. 407
- July 11, Galt to the same. For an account of flax imported from France and the Netherlands for the last seven years. 175
- July 14, The same to the same. Quotes clause in letter that government would encourage the legislature of Lower Canada to accede to the proposition [to provide for the losses by the war]. With this assurance he met his constituents in Canada but nothing has been done. This was the second time he had provided for a loan which had been frustrated with circumstances of personal mortification. 184
- July 1, Enclosed. Note what Galt thinks he should have added to show that further communication was expected from him. 187
- York. Dr. Strachan to Wilmot Horton. Since writing on the 27th ulto. had thought it expedient to send papers enclosed, as it was probable Robinson had left before hearing of the Bishop of Quebec's death. He cannot be spared from the province during Robinson's absence, and if he left after Robinson's return it might be too late. Has written to the Bishop of London, who thinks favourably of his pretensions. 449
- Enclosed. Remarks on the propriety of dividing the diocese of Quebec. Reasons for the division and duties of the bishops. 452
- Dr. Strachan to Bathurst, June, 1824. Asks for indulgence in stating his private views and expectations respecting the episcopate. Gives a statement of the religious progress, etc., and the propriety of appointing additional Anglican bishops. 459
- William Campbell to Dr. Strachan. Thanks for his excellent sermon on the death of the Bishop of Quebec. The importance of dividing the diocese into two, one for Lower and one for Upper Canada; the suitability of Dr. Strachan for the office of Bishop of Upper Canada. 466
- Bishop (Anglican) of Quebec to Dr. Strachan, 20th December, 1824. Cause of the delay in writing. The zeal and assiduity with which he (Strachan) has conducted the business. 471
- Rev. C. Stewart to Dr. Strachan, 13th December, 1823. Entirely approves of the plan of there being two bishops in Canada; has explained his views sufficiently, and is not therefore disposed to put himself forward or say more on the subject to any one. 473
- July 14, Dr. Strachan to Bathurst. Demise of the Bishop of Quebec. The opportunity of dividing the diocese of Quebec. Puts forward his claim to be first bishop of Upper Canada. 475
- July 20, Powell to Wilmot Horton. States the circumstances attending the grants to himself and son, the latter of whom has bought two houses at Prescott. His desire to settle near his son. 342
- July 2, Marston to Bathurst. Proposes to send a power of attorney to the consul to the United States to collect what the son has left for a poor

1825.
man Joshua Ratcliffe, or such other means of obtaining the money as Bathurst may suggest. Page 249
- July 25,
London. Bishop Macdonell to Wilmot Horton (?) Bathurst had informed him that he (Wilmot Horton) would settle respecting the provision to the Catholic clergymen and school masters for the Irish emigrants; had not called till he should learn when it would be convenient for Horton to receive him. 248
- July 25,
Tuam. Memorial of Patrick and Michael Garrey. That their brother John, lately dead, left a property in Canada which from their poverty and otherwise they are unable to deal with. Asks that Bathurst dispose of the property for them. 180
- July 26,
London. Galt to Wilmot Horton. The letter he wrote respecting the means of meeting the payment for losses in Canada has been misunderstood. States all the proceedings that took place and his understanding that the sale of the land to the Canada Company would provide funds for the liquidation of the loan. 176
- July 26. Taylor to the same. Discusses fully the claim of the incorporated militia of Upper Canada to receive half pay as well as the Voltigeurs of Lower Canada. Can see no difference in their claim, the half pay not being granted as a matter of right but as a favour and the incorporated militia are as much entitled to it as the Voltigeurs. The reasons are set out at length. 9
- July 28,
London. Dr. Poynter to Bathurst. Has been informed that the question of the erection of an ordinary diocese in Upper Canada had been before the congregation but not decided on until further information had been received. 344
- July 28,
London. Enclosed. Letter (in Italian) from the Cardinal pro prefect. 346
- July 28,
London. Jarvis to Bathurst. Sends memorial for half pay as captain in the late regiment of incorporated militia on account of the disability he suffers from in consequence of wounds received in action. 215
- Enclosed. Memorial same date. 217
- Certificate, &c. 221 to 224
- August 2,
London. Robinson to Wilmot Horton. Sends remarks on the application of the incorporated militia of Upper Canada for half pay. His desire that the application should be successful. The anxiety of McLean and Jarvis to return to their homes, they having come to London to urge the claims and having their profession demanding their presence in Upper Canada. Both were wounded. 412
- August 2. The same to the same. Sends note he had written but not delivered. Campbell to be appointed judge but must not expect a retiring allowance unless his health permits him to remain a considerable number of years in the situation. A similar letter was written on the appointment of Sherwood. 410
- August 2. The same to the same. Villiers and he concurred in so many verbal alterations in the important dispatch that he has sent with it one re-drawn The part relating to making the grant permanent is the most delicate to manage. The whole dispatch should be most maturely considered. It must be varied to suit the different provinces in providing for the civil list. The plan should not be submitted to Upper Canada till after Nova Scotia and New Brunswick had disposed of it, they having abundant resources which Upper Canada has not but has debts and a military pension list. 408
- August 2,
London. Jarvis to Bathurst. Reminds His Lordship of his memorial for half pay, so as to obtain a settlement, as he desires to return to Canada. 225
- August 8,
London. Bishop Macdonell to Wilmot Horton. In reference to the question of education for the Catholic inhabitants and settlers in British North America, states the condition of these people and his views on the subject. The emigration of the Scots Catholics exclusively to British North

August

August
London.August
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Downin
Street.August
Castle TAugust
Southw

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War OfAugust
London.Septemb
Walton.Septemb
LeamingSeptemb
Treasur

1825.

- August 11, 1825. America, none being now in the United States. The extent of territory covered by Catholics in British North America, from Detroit to the eastern extremity, a distance of 700 miles. Localities occupied by Catholics in each province. Their services during the war and loyal principles. The best preservation is the provision of means for their moral and religious instruction. Estimates that the cost for the different provinces for two bishops, 36 clergymen and 48 schoolmasters and to provide books for scholars and adults would only amount to £5,180 a year. The method of paying the salaries, &c. Page 253
- August 11, Robinson to Wilmot Horton. Mr. Hay will send all the papers respecting the application by the legislature of Upper Canada, for half pay to the incorporated militia. The amount is given as £2,482. The question is whether such a charge should be assumed by Great Britain. To pay it out of a colonial fund at the disposal of the British Government, would be to establish a difference between the two cases not easy to account for (presumably between the Voltigeurs and the incorporated militia). 415
- August 15, London. A. McLean to the same. Was unwilling to trespass on his time, but was happy to learn that in the midst of other business, he had attended to the affair of the incorporated militia. Is leaving town, but shall return on the slightest intimation. 308
- August 20, Whitehall. Stephen Junior to the same. Opinion of Counsel that Randal having concurred in the transfer of certain lands, he has no claim against them. 29
- August 20, Downing Street. Wilmot Horton to A. McLean. Desires to know what constitutes the difference between the incorporated militia and the militia of any other province. He (McLean) is to supply any information he possesses on the subject. 300
- Apparently enclosed. Prevost to Bathurst, 29th July, 1814. Commends the services of the Voltigeurs and submits the propriety of giving them half pay. 302
- Calculation of the amount necessary for the half pay of the incorporated militia. 304
- August 25, Castle Toward. Finlay (?) to Wilmot Horton. A petition will soon be presented from the relations of persons who went to Canada in 1821, for aid to join them, the same as was given in Ireland. Asks him to use his influence with Bathurst that the application be granted. 166
- August 26, Southwark. Memorial of Lieutenant James McGregor for restoration of his pension which had been paid to July, 1821. 259
- Notes on the application giving a sketch of the reasons why Lieutenant McGregor's pension had ceased to be paid. 261
- August 29. Freeling to Hay. Forwards two letters from McLean. 87
- August 29, War Office. Merry to Wilmot Horton. Applies for report of the amount of salary and date of appointment of George Hume Reade, who asks permission to receive his half pay with his civil appointment. 40
- August 31, London. Capt. Payne to the same. Desires to know when the Canada Company's charter is likely to be completed. His expectations. If it should not come into operation he would be glad of any respectable employment under government. 347
- September 5, Walton. The same to the same. Had been obliged to leave town, so that he could not keep his appointment. Shall call immediately on his return. 349
- September 5, Leamington. Darcy Boulton to the same. In consequence of his continued indisposition and the state of his private affairs, asks for an extended leave of absence. 131
- September 13, Treasury. Herries to the same. In reference to the application of the widow of Lieutenant Colonel Nichol for a pension, transmits copy of letter from the secretary at war, by which it will be seen that Nichol

1825.

had no rank in the army and that, therefore, his widow is not entitled to a pension. Page 84

Enclosed. Palmerston to Harrison, 30th October, 1824. That Nichol had no rank in the army and his widow is not eligible for the pension list. 85

September 15,
Edinburgh.

A. McLean to Wilmot Horton. Delay in the delivery of the letter containing the queries to which answers are returned enclosed. It will be seen that there is no chance of an application from any other corps on the same grounds as those of the incorporated militia or indeed any similar claim. 310

Enclosed. Queries proposed by Wilmot Horton, respecting the late incorporated militia of Upper Canada. The answers are attached. 311

Various undated papers follow. 315, 316, 321

September 18,
Glasgow.

Bishop Macdonell to Wilmot Horton. Had come to Scotland to secure the services of a few Scotch Catholic clergymen to go to Upper Canada to take charge of the Irish emigrants, but all decline to go until he (Macdonell) has received the authority from government and that there should be security given for the payment of their salaries. Asks him to send the necessary powers. 263

September 20,
Fort William.

Bishop Macdonell to Bathurst. Asks that steps be taken to retain the Scotch Highlanders within the British empire, as many are preparing to set out for South America. 265

September 28,
York.

Robinson to Wilmot Horton. His arrival. His thoughts concerning the Land Company and its transactions respecting the clergy reserves. Recommends Dr. Strachan as best fitted to explain all the circumstances and to speak for the clergy. Introduces Boulton, solicitor general, who goes to procure subscriptions for the Welland Canal Company of which he is a director. 416

September 30,
Council.

Order in Council appointing Wells and Macaulay to the Council. 20

October 3,
Downing
Street.

Baillie to Bishop Macdonell. His proposal to engage a few Roman Catholic clergymen to proceed to Canada was laid before Bathurst who desires fuller information of the gentlemen recommended, the salaries expected, etc. 246

October 5,
War Office.

Lukin to Wilmot Horton. Asks for answer to question respecting George Hume Reade's appointment. 41

October 9,
London.

Galt to the same. Has been desired to bring before him privately two points, one with respect to the canal between Ottawa and Kingston, the other an affair of the Six Nation Indians. Is only doing an act of civility to strangers, in submitting these to him personally. 188

October 10,
London.

The same to the same. States the case of the Six Nation Indians, although he takes no sort of agency in the matter. Gives extracts from John Brant's statements, and regrets that the proposed policy towards the Indians should have been made, namely, to tax them like the other inhabitants, should their lands be given them in fee simple. 189

October 20,
Castleton.

Lord Westmeath to the same. Thanks for having spoken to Bathurst respecting the individual he troubled him about. Would have preferred that the man should have remained in his home to defy the intimidation practised, but as he might be murdered it is as well he should emigrate, as the best that could happen to him would be to drag out a miserable existence. 487

October 20,
London.

Bishop Macdonell to Bathurst. In reference to application dated 18th ulto., on the subject of engaging Roman Catholic clergymen for Canada, they would only go on a moderate provision being made for them and the amount settled, but he could not state a sum without His Lordship's sanction. He sails on the first of next month, and has requested Dr. Poynter to give all the information asked for regarding

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the clergymen. Had suggested previously that a salary of £60 to clergymen and £40 to schoolmasters would be sufficient on the assumption that the settlers would be able to contribute, but with regard to the Irish settlers it would be several years before they could spare anything and their clergy could not subsist on £60 a year. Thanks for kindness, he shall show his sense of it by trying to promote loyalty, but without a sufficient number of respectable clergymen, he cannot be responsible for the good conduct of the Irish emigrants. Page 268

November 1,
London.

Lieut. McGregor to Bathurst. Calls attention to his petition and asks for a speedy decision. 271

November 1,
Boulogne-sur-
Mer.

Harvey to Wilmot Horton. Goes to Paris on the 8th instant and sends his address there. Intends to return to London in January. 212

November 1,
Hendon.

Stephen, Junior, to Wilmot Horton. The time spent on so small an affair as the question of the burying ground at Kingston. For the greater part of the burying ground to be granted to the Church of England the same exclusive right to the burying of the deceased members of their congregation should be conferred on that Church as on the Church of Scotland in the late grant; how the deed should be drawn up and to whom. All the condition the clergyman of the Church of England makes is that he shall in their burying ground read the service over the corpse. If the family are dissatisfied, they can take the body to the burying ground where they can have the Presbyterian service. 33

November 5,
Ludlow.

Marston to Bathurst. Further respecting Joshua Ratcliffe; has sent all the necessary papers, &c. 273

November 6,
Brockville.

Petition of the elders and members of the Presbyterian Congregation of Brockville, Upper Canada, stating the hardships through which they passed and their poverty, and praying for an allowance to Mr. Smart, their minister. 275

November 7,
War Office.

Merry to Wilmot Horton. In answer to a question respecting half-pay to James McGregor, it would have been stopped in similar circumstances to these represented had he been an officer in the regular army. 42

November 9,
London.

Lieut. McGregor to Bathurst. Defends himself against the charge of having sent two powers of attorney for the payment of his pension, and explains that he had signed the second when his agent informed him that the first was not correct. 282

Enclosed. Small to McGregor, 13th August, 1820. The power left to obtain his pension was not properly drawn up. Sends another with instructions how to fill in the blanks. 284

November 9,
London.

Hayes to Wilmot Horton. Had received no letter from Upper Canada until last night, when he received one containing an introduction from Maitland, which he would defer presenting till his return from Ireland. Thanks for favourable consideration shown by Bathurst towards his establishment, the Marmora Iron Works. 213

November 12,
Whitehall

Grant reports the destitute condition of a party of settlers. 22

November 16,
Brighton.

Galt to Wilmot Horton. Hopes he received copy of the letter respecting the Six Nations, which was sent. If a prospective measure is to be brought before Parliament, hopes that he will be allowed to see the bill. The feelings of the Indians should be considered, which has been too little done. There is now a chance to do a kind and philanthropic act towards the Indians. 200

November 13,
London.

McGregor to Bathurst. In consequence of the statement that his pension was discontinued because, according to a medical board, a trifling operation would remove the disability complained of he had consulted the most eminent surgeon, who had examined him gratuitously. Asks that he be examined by a medical board. 285

- 1825.
- Enclosed.* Certificate by Sir Astley Cooper that the ball by which McGregor was wounded cannot be extracted. Page 286
Statement of McGregor's claims. 287
- November 22, McGregor to Wilmot Horton (?). Had forwarded to Bathurst certificate by Sir Astley Cooper. Hopes that he (Wilmot Horton) would solicit Bathurst to grant his request as his means are nearly exhausted and he considers himself very much injured. Desires to have his conduct thoroughly investigated. 290
London.
- December 1, Dr. Strachan to Bathurst. Thanks for His Lordship's kindness and condescension in late communications. His course of conduct during his long residence in the province. 477
York.
- December 3, Robert Gillespie to the same. Reports the death of Colonel Nichol of Upper Canada by being dashed to pieces from a fall over a precipice. The distressed state of his family in consequence of the cessation of his pension. The sacrifice he made of his business and prospects during the war at the desire of Brock, when otherwise he could have made a competence; other considerations which the Bishop of Quebec could confirm. 202
London.
- December 3, Miss Beaufort to Wilmot Horton. Sends a packet to be sent to Mrs. Stewart. 133
Dublin.
- December 6, Genn to Bathurst. Mr. A. B. Hawke, residing at Bath, near Kingston, has been appointed a justice of peace, for whom he has purchased the last edition of Burn's justice to assist him in the performance of his duties. Asks that the volumes be sent through the Colonial office. 205
Falmouth.
- December 7, H. J. Boulton to Bathurst. Asks for an interview. 134
Colonial Office
- December 9, Petition of George Stephens, Major. He has lost his constitution and has neither health, money, nor friends. He is not able to go and take possession of land granted him; asks for something in lieu of it. 479
- December 13, Greenwood, Cox & Co. to Wilmot Horton. Applies for certificate that Maitland was alive and in the execution of his office from 1st April to 30th September last. 207
London.
- December 14, H. J. Boulton to the same. Discusses the claim of the Presbyterian Congregation in Kingston to the graveyard held to belong to St. George's parish of the Church of England, holding that the claim might as reasonably be made to the Church edifice as to the burying ground. 135
Downing Street.
- December 15, Same to same. Account of the institution and progress of the Bank of Upper Canada and sketch of the condition of banking in the United States and Canada. 140
Downing Street.
- December 27, Abbott to Bathurst. Applies on behalf of George Coombs for a grant of land. 110
London.
- No date. Joseph Curren to the same. Represents the loss of his papers by robbery and offers to have proof given of his statement that he received at the Colonial Office a paper to be shown to the Governor of Upper Canada, but which was among those stolen. Asks for his back pension, &c. 151
- Memorial of John Small for leave, on account of his age, to resign the office of clerk of the Crown and pleas in favour of his son. 443

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LT. GOVERNOR SIR P. MAITLAND, 1826.

Q. 340-1.

1789.
November 9. Order in Council for lands to U. E. Loyalists.
1818.
June and July Transactions of convention published in August.
1821.
August 8, Bathurst to Maitland.
Downing
Street.
August 8,
Downing
Street.
1825.
July 22, The same to the same.
Downing
Street.
October 10,
London. Gourlay to Coleman.
- November 15. Message from Maitland to the Assembly.
- November 22. Same to the same.
- November 28. Bill for the naturalization of aliens.
- December 30. Resolutions of the Assembly.
1826.
January 11. Same.
- January 12. Address of the Assembly.
Answer follows, undated.
- January 13. Address of the Assembly.
- January 14. Same.
Answer follows, undated.
- January 14. Address of the Assembly.
- January 18, Address of Assembly. All the preceding documents enclosed in Mait-
York. land to Bathurst, 7th March, 1826.
- January 23 Addresses of Council and Assembly. Enclosed in Maitland to Bathurst,
and 27. 8th March, 1826.
- January 26, Address of Assembly.
York. Answer follows but undated.
- January 27. Address of Assembly.
Answer follows undated.
- January 31, John Macaulay to Canadian Freeman. This and the four preceding
Kingston. documents, enclosed in Maitland to Bathurst, 7th March, 1826.
- February 16, Maitland to Bathurst (No. 1). Resignation of Rev. John Wilson of
York. the mastership of the Royal Grammar School. The Rev. Thomas
Phillips has been appointed to succeed him. School transferred to York
where there is no house for the school nor for the master. Suggests that
part of the lands reserved for public purposes may be used for building
a school, &c. Page 3
- Enclosed. Minute of Council recommending the sale of lots of land
for building a school and house for the master out of the proceeds. 6
- March 7 Maitland to Bathurst (No. 2). Sends seven addresses from the Assem-
York. bly on the state of the province. Why these addresses were sent by the
Assembly alone and not, as usual, joint addresses by the Assembly and
Council. The addresses show that the province has no real grievance. 9

1826.

Enclosed. Answer by Bathurst that he would transmit the address recommending the encouragement of emigration from the United States. Remarks in opposition to the policy of the recommendation follow.

Page 12

Address recommending the encouragement of emigration from the United States. 18

Address praying for the restoration of John Hardy to the U. E. List. 23

Answer that the address shall be sent; remarks on the case of Hardy and the reasons for which he was struck off the U. E. List. 25

Copy of the order of Dorchester, 9th November, 1789, giving 200 acres of land to the sons and daughters of U. E. loyalists. 31

Address in opposition to a further increase in the clergy reserves, and that these present reserves should not be applied exclusively for the benefit of one religious body, but should be extended to all Christian denominations. 33

Maitland to the Assembly. Will forward the address. The Assembly is wrong about a proposed increase and took advantage of the construction given to the Act to insert the petition that the clergy reserves should be divided up. If the Church of Scotland had anticipated this result of the claim it made, it would have refrained. It would be desirable to find some means to provide for the Church of Scotland, but it would be impolitic to effect that object at the expense of the Church of England. 36

Address praying that the Chief Justice may be no longer a member of the Executive Council, as it impedes the course of justice and further that the judges should hold office during good behaviour. 39

Maitland to the Assembly. Will send address. Remarks controverting the statement of the Assembly. 41

Address praying that the control and emoluments of the post office may be transferred to the province. 46

Answer and remarks on address. 49

John Macaulay, Kingston. Letter criticising at great length the statement respecting post office at Kingston, made in the course of the debate on the address respecting the post office management. 53

Address on the withholding of grants of land from those who attended the political convention, although by their services entitled to such grants. 86

Maitland to Assembly. Will transmit the address. Remarks on its contents. 89

Transactions of the Upper Canadian Convention of "Friends of Enquiry." August, 1818. 93

Resolutions of Assembly, 22nd October, 1818, with reference to the proceedings of the convention. 169

Gourlay to Coleman, 10th October, 1825. Urges him and the other Legislators to press for independence. His (Gourlays) sufferings, he was reported to be insane whilst he was pleading one suit in the House of Lords and another in Chancery. Has written to his (Coleman's) brother legislators to refuse supplies. Is Canada to be governed by blockheads after continental America chooses its own governors? 172

Resolution of the House of Assembly in respect to those who took part in Gourlay's convention; with the amendment which was defeated. 174

Bathurst to Maitland, 8th August, 1821. Has received petition from J. H. Kerr for land, approved of the principle on which the Executive Council recommend that grants of land shall be withheld from officers or privates who were delegates to the convention in 1818. 176

Petition from the Assembly that persons born British subjects who had moved into Canada from the United States after 1783, should still

LIBRARY, ARCHIVES
INDIAN AFFAIRS BRANCH

March 8,
York.

March 9,
York.

1826.

be regarded as such and entitled to all the privileges in Canada of that status.

Resolutions on the Alien question.

Page 177

Message from Maitland to Assembly on the subject, 15th November, 1825.

188

Maitland to Assembly, 22nd November. Transmits to the Assembly extracts from Bathurst's dispatch of 22nd July, 1825.

194

Bathurst to Maitland, 22nd July, 1825. Is of opinion that citizens of the United States who have been long resident in Canada should by legislative enactment have the civil rights of British subjects conferred on them and that the disbanded soldiers of foreign corps should be included as well as such other aliens as have hitherto enjoyed these rights. If a bill to this effect should pass, he is authorised to assent to it.

196

Bill for the purpose above stated.

196

Maitland to Bathurst (No. 3). Sends two joint addresses from the Council and Assembly, one expressing gratitude for recent measures respecting trade with the colonies; the other respecting losses. His sincere desire that effect be given to the application contained in the latter.

198

Enclosed. Joint address from Council and Assembly respecting the regulations affecting trade.

202

Joint address respecting claims for losses.

204

Maitland to Bathurst (No. 4). Transmits abstract from the docket book of the Auditor of Land patents.

207

213

ABSTRACT from the Auditor's Docket-Books of Grants of Land which have passed the Great Seal of the Province between the 1st day of January to the 31st day of December, 1825, inclusive, showing the number of Grants of each Class made in each District, and the gross number of acres granted.

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Home.....	Co'ty of York	1	2	2	15,503	99	21,583½
		8	50	400			
		55	100	5,500			
		26	200	5,200			
		1	201	201			
		3	300	900			
		3	500	1,500			
		1	800	800			
		1	1,000	1,000			
	County of Simcoe..	7	50	350	6,350	56	
		39	100	3,900			
		9	200	1,800			
		1	300	300			
	Town of York..	1	½	½	½	1	

1826.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Eastern . . .	County of Glengarry {	1	57	57	1,972	15	3,182½
		10	100	1,000			
		1	115	115			
		2	200	400			
		1	400	400			
	County of Dundas... {	2	50	100	600	6	
		3	100	300			
		1	200	200			
	County of Stormont. {	3	100	300	609	5	
		1	109	109			
1		200	200				
..... {	Town of Corn- wall.... {	1	½	½	1½	2	
Ottawa.....	County of Prescott... {	1	36	36	3,636	27	8,536
		4	50	200			
		16	100	1,600			
		4	200	800			
		2	500	1,000			
	County of Russell... {	8	100	800	4,900	19	
		7	200	1,400			
		1	400	400			
		1	500	500			
		1	800	800			
Johnstown....	County of Grenville. {	1	6	6	806	5	2,321
		1	150	150			
		2	200	400			
		1	250	250			
	Town of Johnstown.. {	1	1	1	1	1	
		County of Leeds... {	7	100	700	1,514	
	1		150	150			
	2		200	400			
	Bathurst.	County of Carleton. {	1	100	100	6,308		5	25,926
1			200	200			
1			280	280			
1			600	600			
1			5,128	5,128			
Town of Perth {		2	1	2	3	3	
		1	1	1			
County of Lanark... {		1	15	15	19,615	187	
		178	100	17,800			
		6	200	1,200			
Niagara.....	Town of Niagara... {	1	½	½	½	1	300½
		County of Lincoln... {	1	100	100	300		2
	1		200	200			

1826.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres of each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.		
Gore.....	County of Halton..	1 64 49 3	50 100 200 500	50 6,400 9,800 1,500	17,750	117	17,750		
New Castle. ...	County of Durham..	25 31 1 1 4 1 1 1 1 1	50 100 150 197 200 242 300 350 371 453	1,250 3,100 150 197 800 242 300 350 371 453	13,487	71	21,224		
		1 1 1 1 1 1 1 1 1 1	960 1,175 3,600 37 50 100 200 300 500 600	960 1,175 3,600 37 50 1,600 2,200 600 1,000 600	7,737	44			
		1 10 16 11 2 2 1 1	1,200 1,200 37 50 100 200 300 500 600 1,200	1,200 1,200 37 50 1,600 2,200 600 1,000 600 1,200					
		1 1 1 1 1 1 1 1	1,200 1,200 37 50 100 200 300 500	1,200 1,200 37 50 1,600 2,200 600 1,000 600 1,200					
		1 1 1 1 1 1 1 1	1,200 1,200 37 50 100 200 300 500	1,200 1,200 37 50 1,600 2,200 600 1,000 600 1,200					
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		1 1 1 1 1 1 1 1	1,200 1,200 37 50 100 200 300 500	1,200 1,200 37 50 1,600 2,200 600 1,000 600 1,200					
		1 1 1 1 1 1 1 1	1,200 1,200 37 50 100 200 300 500	1,200 1,200 37 50 1,600 2,200 600 1,000 600 1,200					
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		Midland..	Town of Kingston...	2 1				$\frac{3}{16}$ 1	$\frac{3}{16}$ 1
County of Frontenac..	1 1		100 500	100 500			600	2	
County of Hastings..	3 8 5 1		50 100 200 500	150 800 1,000 500	2,450	17			
	Town of Belleville..		1 1 2 1 1	sq. lks. 3,430 acs. $\frac{1}{16}$ " $\frac{1}{16}$ " $\frac{1}{16}$ " $\frac{1}{16}$	sq. links. 3,430 acres. $\frac{1}{16}$ " $\frac{1}{16}$ " $\frac{1}{16}$ " $\frac{1}{16}$	7acs & 3,430 sq. lks.	6		
			Counties of Lennox and Addington..	1 3	112 200	112 600	712	4	
County of P. Edward.				2 1 1 1	100 142 200 639	200 142 200 639	1,181	5	

1826.

ABSTRACT from the Auditor's Docket Books of Grants of Land, etc.—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total No. of Acres.	No. of Acres in each County.	Total No. of Grants.	Total No. of Acres Granted.
Western.....	County of Essex	1	2	2	990	7	9,040½ acres 23,670 sq. ft.
		1	74	74			
		1	144	144			
		1	170	170			
		3	200	600			
	Town of Amherstburg		sq. ft.	sq. ft.	sq. ft.	4	
		2	7,800	15,600	23,670		
		1	8,070	8,070			
		1	½	½	½		
	County of Kent	1	50	50	8,050	23	
6		100	600				
7		200	1,400				
1		225	225				
1		269	269				
4		300	1,200				
1		306	306				
2		2,000	4,000				
London.....	County of Middlesex	1	39	39	14,859	85	
		2	50	100			
		1	61	61			
		32	100	3,200			
		1	105	105			
		1	144	144			
		1	160	160			
		40	200	8,000			
		1	250	250			
		3	500	1,500			
	1	600	600				
	1	700	700				
	County of Norfolk	1	195	195	1,867	5	
		2	200	400			
		1	480	480			
		1	792	792			
	County of Oxford	1	89	89	6,189	32	
13		100	1,300				
13		200	2,600				
1		300	300				
1		400	400				
3		500	1,500				
Total.						870	138,000½ acres. 23,670 sq. ft. 3,430 sq. links.

RECAPITULATION of the within Grants of Land

Acres and Square Feet.	Number of Grants.	Number of Acres.	Grants to Sons and Daughters of U. E. Loyalists.										Grants to the Militia.	Full Fee (Grants.	Grants to Militiary Claimants.	Grants to Pro-Vincial Seamen.	Grants where the Fees are suspended.	Grants under Special Order in Council.	Grants where Half Fees are paid.	Grants where Stationery only is paid.
			Grants to Sons and Daughters of U. E. Loyalists.	Grants to Survivors.	Grants to the Militia.	Full Fee (Grants.	Grants to Militiary Claimants.	Grants to Pro-Vincial Seamen.	Grants where the Fees are suspended.	Grants under Special Order in Council.	Grants where Half Fees are paid.	Grants where Stationery only is paid.								
Grants under 100 acres	91	3,583½	4	1	1	23	2	59	1	3	2	2								
" of 100 acres	494	48,400		106	174	1	1	11	189	3	2	1								
" over 100 acres and under 200	34	2,043		2	1	9	1													
" of 200 acres	290	40,000	101	2	13	68	3	1	11		1									
" over 200 acres and under 300	8	1,981		4	3	6			2											
" of 300 acres	14	4,200		3	3			3												
" over 300 acres and under 400	3	1,027				1														
" of 400 acres	3	1,200																		
" over 400 acres and under 500	2	983		2																
" of 500 acres	19	9,500		7		5		2	1											
" over 500 acres and under 600	1	539		1																
" of 600 acres	3	1,800		1																
" over 600 acres and under 700	1	689																		
" of 700 acres	1	700		1																
" over 700 acres and under 800	1	792		1																
" of 800 acres	2	1,600		2																
" over 800 acres and under 1,000	1	960		1																
" of 1,000 acres	2	2,000		2																
" over 1,000 acres	6	15,103		5		1														
Total		138,000½																		
" under 1 acre in square feet	3	*23,670				3														
" " " links	1	†3,430				1														
Total	870		105	22	137	295	18	78	1	204	3	4								3

*Square feet.

†Square links.

S. HEWARD,
Auditor General, U. C.

1826.
March 10,
York.

Maitland to Bathurst (No. 5). Sends copy of his speech at closing of the legislature and copies of the Acts to which he assented. The supplies have all been passed, but the conduct of the legislature has been disappointing. Remarks on the proceedings of the Assembly towards increasing the salaries of its officials. Has transmitted the items of supply, and marked those which he declined to pay. Removal of *Gazette* from its official recognition and resolution of the Assembly still to supply it at the public expense to the members. Employment of persons to take down the speeches in shorthand and to publish them. Whether from incapacity or from party spirit the proceedings were misrepresented and made ridiculous. Attempts made to poison the public mind which had failed from want of support, but threatened to become permanent by the assistance of the Assembly. Three editors voted sums that would enable them to continue their papers during recess and a copy of each paper to each member. Sends specimens of the papers. The amount thus voted he does not consider as part of the ordinary contingencies of the House; if compelled to pay them, any majority unfriendly to government can, on one pretext or other support as many papers as they think necessary to give currency to their opinions. The delicacy of refusing to give effect to a vote of Assembly. In the case of Gill he was paid for a survey before its uselessness had been discovered. His application for a further sum was granted by the Assembly and the amount asked for voted as part of the contingencies of the session.

Page 222

Speech from Maitland on closing the session. 232

Resolutions of the Committee of the whole containing the items for which warrants are applied for. 237

Proceedings of Assembly from 22nd November, 1825, in the Canadian Freeman. 240

Philo, Junior, to John Rolph in the Canadian Freeman, 28th November, 1825, on the law of primogeniture. 278

Dr. Rolph's speech on the trial of Major Randall. 286

LIEUT. GOVERNOR SIR P. MAITLAND, 1826

Q. 340-2.

1821.
October 3,
York.

Proceedings of a Medical Board. Enclosed in Maitland to Bathurst, 19th June, 1826.

1824
April 12,
York.

Maitland to Bathurst (No. 17). Forwards claim from Thomas McCormick, of Niagara, for losses sustained during the late war, with accompanying documents. Has sent the claim on account of McCormick's respectable character and loyalty, but has given him no encouragement.

Page 486

Enclosed. Abstract of claim for loss sustained by Thomas McCormick, of Niagara, with minute of the Board of claims. 488

1825.
October 18,
Cold-Bath-
Fields.

Gourlay to Eldon. Protests against the sale of the Crown and clergy reserves to the Canada Company. 331

October 20,
Cold-Bath-
Fields.

Gourlay to the King. Objects to the sale of the Crown and clergy reserves to the Canada Company, as they might be sold at ten times the amount agreed upon. 334

December 13,
York.

Extracts from debates in the House of Assembly, on the Kingston bank bill, on the bill for the protection of Magistrates, on the bill to enable persons to pay their assessment tax and on the resolutions res-

Decem
York.

Decem
York.

Decem
York.

Decem
York.

185
March
Kingst

March
York.

March
York.

March
York.

1825.

- pecting the consolidation and bringing together of the different offices connected with the land granting department. Page 306
 Resolutions of the House of Assembly respecting the Rideau Canal, &c. 337
- Respecting the Dundas and Burlington Canal, 26th December. 340
 Other extracts from the Colonial Advocate. 341 to 351
- December 24, Philo Junius to John Rolph. Objects to the power retained by the
 York. Imperial Parliament as leaving the colonies only a vain shadow, the name of a constitution. There is in the constitution the solitary reservation to the Imperial Parliament that of the power of dealing with matters of commerce, letting it be inferred that all the other powers form an inviolable charter. Even the reservation as to commerce is objectionable arising only from the weakness of the colonies. It is an important subject on which some attention should be bestowed. Whatever may be the object of the Imperial Parliament no pretence should be suffered to give authority to the little Kings here. 303
- December 29, The right of the British Parliament to regulate export and import
 York. trade questioned. 326
- December 29, Report on the casual and territorial revenue of the Crown. 321
 York.
1826.
 March 9, Bishop Macdonell to Maitland. Enclosed in Maitland to Bathurst,
 Kingston. 12th June.
- March 13, Maitland to Bathurst (No. 6). Has felt anxious as to the validity of
 York. the instruments under which the clergy corporations are constituted. A letter from attorney general Robinson will show his opinion; desires, however, His Lordship's opinion as to the propriety of the corporation continuing to act under the existing charter. 352
- Enclosed. Opinion of attorney general Robinson on the charter under which the corporation for superintending the clergy reserves has been created. 354
- March 14, Maitland to Bathurst (No. 7). The great importance of a University
 York. for Upper Canada. Urges the granting of a charter and that measures should be taken with Dr. Strachan for the establishment of a fund. The exertions of Dr. Strachan on behalf of a university. 361
- Enclosed. Copy of report of the Executive Council on the establishment of a university. 365
- March 15, Maitland to Bathurst (No. 8). Transmits report of the Executive
 York. Council and other papers in regard to the naturalization of such foreigners as may resort to Upper Canada. The importance of settling the question. The consideration given respecting the policy, as proved by the addresses, resolutions and documents forwarded. How the present law could be amended. 368
- Enclosed. Reference to the Council of Bathurst's despatch, on which an opinion is to be given as to the course to be followed respecting aliens already resident or who may hereafter care to settle. The importance, even in a political point of view, of the establishment of a university to counteract the teaching of foreign sectaries. 372
- Report of the Executive Council on the reference. 374
- Heads of a bill relative to the naturalization of foreigners in Upper Canada. 382
- Address of the Legislative Council thanking the King for sanction given to the passing of legislation respecting the naturalization of aliens. An Act was passed to that end but rejected by the Assembly, which passed one contrary to law and fact; as there is no prospect of agreeing on a bill, they pray that the Imperial Parliament may pass such a law as may be adapted to the circumstances of the province. Thanks for help given to emigrants, and congratulations on the success of the military settlement. 389

1826.
March 16,
York.

Maitland to Bathurst (No. 9). Transmits joint address of the Council and Assembly for alterations in the Colonial trade Act recently passed, so far as regards Upper Canada, with clauses of a bill with that object in view. Page 393

Enclosed. The joint address.

The proposed Act.

March 17,
York.

Maitland to Bathurst (No. 10). Sends address from the Legislative Council respecting civil rights.

March 20,
York.

The same to the same (No. 11). Has added Col. Wells and James Macaulay to the Executive Council. The appointments have been confirmed, but the instruments have not yet been received. Asks that the appointment of Colonel Wells may precede that of Macaulay, as the notification of the appointment of the latter was through inadvertence made first.

March 22,
York.

The same to the same (No. 12). An Act has been passed to establish the value of British silver and copper coin.

March 31,
York.

The same to the same (No. 13). Reports the satisfactory situation of the emigrants brought out in 1825. Sends the official return. The season in which they arrived was sickly, but the deaths were not numerous. The prospect of them becoming useful settlers. Not one complaint has been made against them, although on coming out they were detained at various points and might have indulged a disposition to riot. The addresses bear evidence of the good conduct of the emigrants and of the liberal policy of government in providing for them. Sees no reason why they should not become speedily identified with other classes of the population. The difference of religion has occasioned no disagreements either among themselves or with their neighbours. Had visited the emigrants of 1823 at Bathurst, who have not suffered from the withdrawal of rations but are in comfort, and are satisfied. Robinson has ordered a minute return to be made from actual personal visitation, which will show their present position and the degree of truth in the statement that so many had left for the United States. Some young unmarried men took an active part in the disturbance with the Scots settlers, and happily found it prudent to leave the country. The affray of 1824 does not appear to have left any unfriendly feeling and the magistrates report that the settlers, equally with the other inhabitants are an industrious, contented and peaceful population. The means taken by Robinson to assure success can be best explained by himself; his selection has been most fortunate. The experiment has been most successful, but it may not always be so.

Enclosed. Distribution state of the Irish emigrants sent to Upper Canada in the summer of 1825.

(The return of the emigrants of 1823 which should have accompanied this letter was enclosed in that of 1st May, p. 504).

April 3,
York.

Maitland to Bathurst (No. 14). Transmits memorial from Colonel Talbot for relief, the prayer of which he strongly recommends, but does not see what provincial fund is available for this purpose.

April 6,
York.

The same to the same (No. 15). Points out the misrepresentations that have been made as to the state of feeling in regard to the measures for the relief of Americans resident in the province. Transmits the address he received on his late tour, as only due to His Lordship and just to the people.

Enclosed. Addresses Northumberland 428; Durham 430; Newcastle 432; Smith and Otonabee 435; the Irish emigrants 437; Belleville 439; Kingston 441; Perth 445; Carleton 447; Ottawa 449; Eastern district 452; Grenville 455; Brockville 458; Hallowell 470; Carrying place 472; Johnstown 461; Lennox and Addington 467.

April 10,

April 10,
York.

April 13,
York.

April 24,
York.

April 27,
York.

May 1,
York.

June 1,
York.

June 3,
York.

June 5,
York.

1826.

April 10. Maitland to Wilmot Horton. Has received circular respecting Crown lands and sends memoir from the surveyor general on the subject. Page 475

Enclosed. Precis of the general state of the granted and ungranted lands in Upper Canada, dated 14th January, 1826. 476

April 10, York. Maitland to Bathurst (No. 16). Had, by permission, laid before the legislature a detailed account of the casual and territorial revenue for the four years asked for. The return showed that the receipts were barely sufficient to meet charges to the disappointment of those who had moved for the return and they had now moved for a most elaborate return for ten years. As it would have involved great trouble and expense and as no reason was given why the return should be asked for, he had given the reply of which he enclosed a copy. 481

Enclosed. Address from the Assembly for details of townships which have been surveyed within the last ten years with other information respecting them and the old townships for the same period. 483

Answer. That the Assembly must be aware that his Majesty's pleasure must be taken on the subject of the address. A compliance with it would incur an expense of which no adequate idea has been formed. Has already furnished the information asked for. 484

April 13, York. Maitland to Bathurst (No. 18). Transmits petition from settlers in the rear townships of the County of Leeds who came from the United States and conceive themselves in need of security for their civil rights recommended by His Lordship, but prevented by the opposition of the Assembly from being extended to them. 491

Enclosed. Address referred to. 493

April 24, York. Maitland to Bathurst (No. 19). It not being understood that the naval laws of Great Britain extended to the inland waters of the continent, the naval officer (Powell) has no other emolument than the £100 voted for him in the civil list. The date of his appointment is the 4th of July, 1807. 498

April 27, York. The same to the same (No. 20). Calls attention to the situation of the clerks employed in the government office and the insufficiency of their salaries. Recommends that the salary of the first clerk should be £250 and of the second £182 10s. from the 1st of January last. 500

May 1, York. The same to the same (No. 21). Sends return of the Irish emigrants who arrived in 1823, which should have accompanied his dispatch of 31st March. 504

Enclosed. Return. In the township of Ramsay, 507; Township of Huntley, 512; Township of Goulburn, 514; Township of Beckwith, 517; Township of Lanark, 517; Township of Bathurst, 517. 507 to 517

Summary. 518

Other returns. 519 to 524

June 1, York. Maitland to Bathurst (No. 22). Sends petition from the Bathurst district for assistance in the construction of a canal to connect the waters of the Rideau and Ottawa rivers. 527

Enclosed. Summary of the petition from the inhabitants of the military settlements on the Rideau. 528

The petition. 529

June 3, York. Maitland to Bathurst (No. 23). There is no house accommodation at this place enjoyed by any public officer. What the residence of the lieutenant governor has cost since it was bought in 1815. 534

June 5, York. The same to the same (No. 24). Owing to the advanced age of Small, clerk of the Executive Council, and from his zeal and faithful discharge of his duty recommends that provision should be made for his retire-

1826

June 12,
York.

ment with a suitable provision and that Beikie, chief clerk, should be appointed to succeed him. Page 536

Maitland to Bathurst (No. 25). Transmits letter from Dr. Macdonell, the Roman Catholic Bishop of Upper Canada, respecting subjects on which he (Maitland) had no instruction. The expediency of providing for the religious instruction of the Roman Catholics requires serious consideration. Until recently the Roman Catholic population of Upper Canada has been very small and even with the recent arrivals the whole do not exceed one fifteenth of the total population. Cannot therefore understand the ground of Dr. Macdonell's assumption that the Catholics were likely to form in a short time a majority of the population of Upper Canada, although it no doubt is the sincere conviction of Dr. Macdonell. Agrees as to the loyalty of the Roman Catholic population, but did not desire to see the expectation fulfilled that they were to be a majority of the population. Has seen the calculation of the funds required for the immediate wants of Roman Catholics, but doubts much that the contributions of the people will speedily relieve government from the burden of supporting the clergy. Dr. Macdonald, whose case is represented as most urgent, has been settled at Perth, where the people if at all inclined are abundantly able to supply the small stipend required for his maintenance. If a sum could be given to the Catholic clergy without impairing that for the Protestant Church, he should be happy to see it so employed, but does not know to what fund it could be charged. The support of the civil government does not allow of such an appropriation from the Crown reserves as is applied for by Dr. Macdonell. If the plan for establishing a university is adopted, a fund for Dr. Macdonell's purpose might be formed by the sale of one or two school townships. 539

Enclosed. Bishop Macdonell to Bathurst. Discusses at length the subject of providing for the religious instruction of Roman Catholics in Upper Canada. 546

June 19,
York.

Maitland to Bathurst (No. 26). Reports fully on the case of McGregor, of the Kent volunteers, whose pension was discontinued and is now ordered to be restored. Its importance as a precedent in other cases. A re-examination in McGregor's case procured through misrepresentation. The inconvenience in a purely provincial matter of referring to another authority questions which the lieutenant-governor considered it proper to refuse. Argues at length on the propriety of supporting the decisions of the provincial Board. Brings evidence to disprove McGregor's denial of having granted three powers of attorney for the payment of his pension, each for the same quarter. His arrest at the instance of Baldwin, a solicitor. 555

Summary of McGregor's case. 565

Proceedings of the medical Board held at York, on the 3rd October, 1821. 568

Hillier to Baldwin, 13th October, 1821. Besides his power of attorney for McGregor's pension, other two have been presented. 570

Hillier to Allan, 3rd October, 1821. In consequence of different powers of attorney being granted by McGregor for his pension the warrant will be sent to himself. 572

June 20,
York.

Maitland to Bathurst (No. 27). Sends abstract of returns of the average price of grain at York and Kingston for May, 1826. 574

Enclosed. Abstract. 576

1810
October 1
York.1825
February
York.February
York.February
York.June 16,
York.October 2
York.November
York.1826
March 14
York.June 9,
York.July 10,
York.July 21,
York.July 24,
York.July 25,
York.

LIEUT. GOVERNOR SIR P. MAITLAND, 1826.

Q. 341.

1810.
October 10, York. Copy of memorial of John Small. Attached is a certificate by Baby, dated 10th February, 1825, of travelling expenses on circuit from 1801 to 1816.
1825.
February 9, York. Certificate by S. Heward, deputy clerk of the Crown.
- February 9, York. Certificate by W. W. Baldwin, late deputy clerk of the Crown.
- February 10, York. Certificate of J. B. Macaulay, of the amount of fees he received as clerk of assize from 1817 to 1821.
- June 16, York. Report by Boulton (Solicitor General). This and the preceding were enclosed in Maitland to Bathurst, 2nd September, 1826.
- October 20, York. Report of Executive Council.
- November 21, York. Rules respecting land grants.
1826.
March 14, York. Report of Executive Council.
- June 9, York. Report of Executive Council. This and three preceding documents enclosed in Maitland to Bathurst, 25th July, 1826.
- July 10, York. Maitland to Bathurst (No 28). Sends returns of the average price of wheat and other grain in the markets of York and Kingston for June, 1826. Page 4
- Enclosed. Statement of the average price of wheat and other grain in York and Kingston markets. 6
- July 21, York. Report by Robinson, attorney general. Enclosed in Maitland to Bathurst, 2nd September, 1826.
- July 24, York. Maitland to Bathurst (No 29). Transmits memorial from the Chief Justice and puisne judges, compliance with whose prayer he recommends. The importance of an increase to the number of judges, owing to the extent of country and means of communication. It is highly desirable to have more circuits, which the present number of judges will not permit. Population has increased five fold since the establishment of the Bench and the number of Courts of Assize has more than doubled. The expediency of adding to the salaries of the judges. 7
- Enclosed. Memorial of the Chief Justice and puisne judges of Upper Canada. A sketch of the establishment of the King's Bench of Upper Canada, and a prayer that a judicial establishment may be given to Upper Canada equal at least to that in the single district of Quebec as regards the number of judges and salaries. 10
- July 25, York. Maitland to Bathurst (No 30). Had submitted to Council the regulations for granting lands in New South Wales and Van Dieman's land. Sends three reports which would have been sent earlier but for the investigation required. Has in the meantime, with slight modifications adopted the New South Wales regulations. The Chief difficulty will arise from the want of a fund to remunerate the officers of the land granting department. 15
- Enclosed. Report of the Executive Council, 29th October, 1825. On the system of granting lands in New South Wales and Van Dieman's land, and what modifications are necessary for Upper Canada. 19

1826.

Rules issued by the Executive Council, 21st November, 1825, for the information of persons arriving in Upper Canada as settlers, for the future regulations of grants of land in Upper Canada. Page 26

Report, 14th March, 1826, of the Executive Council that sufficient information has been received to enable the Board to make out a table of valuations for several districts; that of the Home district is sent as a specimen. It gives three values for each township, the credit price, the ready money price, and the average price with the mean of each, the last column gives the mean of the three values which it is presumed will give a very near approximation to the value of the lands in each township. How differences arise in the value of various townships. 31

Report, 9th June, 1826, of the value of the ungranted lands. 38

The values are given for each of the townships in the Home, London, New Castle, Midland, Johnstown, Ottawa, Bathurst and Western districts. 40

July 26,
York.

Maitland to Bathurst (No. 31). Has transmitted His Lordship's decision in respect to Kerr's application for half pay. Kerr has presented a second application representing circumstances omitted in the one previously sent. His meritorious services. 45

Enclosed. Memorial from W. J. Kerr for half pay. 47

July 27,
York.

Maitland to Bathurst (No. 32). Sends report by the attorney general how the existing marriage laws affect the ministers of the Church of Scotland and how the law originated. 53

Enclosed. The attorney general's report, which deals with the subject at considerable length. 55

July 28,
York.

Maitland to Bathurst (No. 33). Sends information respecting Radelwaller, a Bavarian, who has been inquired for by the Bavarian minister. He came to Canada with the Duke of Kent, lived at Markham in Upper Canada, translated for the benefit of his countrymen a small tract on the cultivation of hemp from which may have arisen the belief that he was interpreter for the provincial government. He lost his life in 1815, either by accident or violence. Two soldiers were arrested and tried for the latter but acquitted. His daughter is married and lives in the township of Vaughan. 63

August 14,
Stanford.

Maitland to Wilmot Horton. (?) Discusses critically the statements of Galt in respect to the new rules for granting land, and charges him with being actuated by hostile feelings towards government. 67

August 14.

Petition by Claus. *Enclosed* in Maitland to Bathurst, 30th September, 1826.

August 18,
Queenstown.

Maitland to Bathurst. Transmits papers from Lieut. McGregor relative to his application for the restoration of his pension, which he does not think disprove the statement that he gave three powers of attorney for the payment of one quarter's pension. If he is to be restored to the pension list, it should be on the ground of his present sufferings as certified by Sir Astley Cooper. 80

Enclosed (1). Memorial from Lieut. McGregor to prove his innocence of the charge of granting three powers of attorney for the collection of the same quarter of his pension. Appeals for a restoration of his pension on the grounds of his long and unremitted sufferings. 86

(2). Affidavit of Lieut. McGregor. 89

(3). Statement by Baldwin. 91

(4). Hands to Allan. Has received a power of attorney from McGregor to receive £32 due by him. As the pension was not paid for want of funds and as funds may be available when McGregor arrives at York, asks that he be not paid his pension till the £32 shall be settled for, otherwise he (Hands) may not receive it. 96

(5). Letter from Allan (Receiver General) respecting powers of attorney granted by McGregor for his pension. 98

1826

August 2,
York.

September
York.

September
York.

September
York.

September
York.

September
York.

September
York.

September
York.

1826.

August 24,
York.September 2,
York.September 2,
York.September 4,
York.September 11,
York.September 14,
York.September 18,
York.September 21,
York.

(6). William Mattice, of Cornwall, to Joseph McDougall, that Lieut. McGregor never paid the note given in 1821. Page 101

Maitland to Bathurst (No. 34). Brings under notice the instructions that, by the regulations, grants of land in the province to officers are limited to those on half pay, not to those who have sold out. Asks that a change be made so that the local government may have a discretionary power to extend the grants to officers now excluded. Asks also that grants may be made to soldiers who had entered since the conclusion of the war. 102

Enclosed. Memorial of Capt. Thomas B. Lewis for a grant of land, the same as given to officers on half pay, he having been allowed for his services and ill-health to sell out. 104

W. W. Baldwin to Hillier. *Enclosed* in Maitland to Bathurst, 9th October, 1826.

Maitland to Bathurst. (No. 36.) Transmitted on the 23rd April, 1824, a memorial from Small on the subject of the emoluments belonging to the office of clerk of the Crown. A second memorial received, which would have been transmitted sooner but being of consequence he had waited till he could send with it the opinion of the law officers. 107

Enclosed. Copy of the first memorial of John Small, clerk of the Crown and pleas in Upper Canada. 109

Estimate of the continued loss upon each item stated in memorial of 1810. 111

Copy of memorial of 1810. 113

Statement of travelling expenses to the circuit from 1801 to 1816, taken from the public accounts. 123

Certificate by S. Heward, deputy clerk of the Crown, of the course of emoluments to Burns from 1801 to 1803, while he (Heward) was his deputy. 124

Certificate by W. W. Baldwin of the fees paid to David Burns, whilst he was clerk of the Crown. 126

Report by the solicitor general (Boulton) giving a historical sketch of the rise, progress and permanent establishment of the sums now paid for travelling expenses of the judges, King's counsel and clerk of the Crown, showing that the memorial and statement are very incorrect. Enters into minute details of the circumstances and of the difference of duties in England and Canada performed by officials having the same titles. 127

Report by the attorney general (Robinson) on the same subject, giving additional details opposed to the demands of Small to act as clerk of assize as belonging to him by virtue of his office of clerk of the Crown and common pleas. 144

Maitland to Bathurst (No. 37). Sends returns of the average price of wheat and other grain in the markets of York and Kingston. 163

Enclosed. Statement. 165

Maitland to Bathurst (No. 38). Sends copies of Acts passed at the last two sessions. 167

The same to the same (No. 39). No intimation having been received of any payment by the Canada Company, he has allowed the civil officers to draw on the agent as usual. As the sum of £200 to each of the two sheriffs appears to have been a clerical error in the estimates, they have drawn for the amount of the previous allowance, that is £100 each. 169

Maitland to Bathurst (No. 40). Sends abstract of returns of the average price of wheat and other grain in the markets of York and Kingston for August. 171

Enclosed. Abstract. 173

Memorial of McGregor. *Enclosed* in Maitland to Bathurst, 9th October, 1826.

1826.
September 30, York. Attached is certificate by Peter McDougall, Maitland to Bathurst (No. 41). Recommends the confirmation of a grant by the Indians of Grand River to Claus; his services and illness which will probably be fatal, in which case he would leave a large family now dependent on him. Recommends also that Messrs. Robert, Abram and William Nelles have their grant confirmed, they having occupied the land for many years and improved a large proportion of it. Page 174
Enclosed. Petition by Claus. Page 177
Hillier to McGregor. Enclosed in Maitland to Bathurst, 9th October, 1826.
- October 5, Stamford.
October 9, York. Maitland to Bathurst (No. 42). Transmits memorial and certificate lately laid before him by McGregor, also copy of letter written to him and explanatory note from Baldwin, the statements in which are at variance, with those in McGregor's letters. 181
Enclosed. Memorial of Lieut. McGregor with further explanations in reference to the payment of his pension. Asks for the advance of £100. 183
Certificate by Peter McDougall, that he received no power of attorney to collect McGregor's pension for the half year, ending in June, 1821. 187
Hillier to McGregor. Lieut. Gov. Maitland is not satisfied with the statements in the memorial, in which discrepancies are pointed out. As the case is before Bathurst, Maitland cannot authorise the advance of £100 188
- October 16, York. W. W. Baldwin to Hillier. Enters into details of his transactions with McGregor respecting his pension. 191
Maitland to Bathurst (No. 43). Sends abstract of returns of the average price of wheat and other grain in the markets of York and Kingston for September. 196
Enclosed. Abstract. 197
- November 9, York. Maitland to Bathurst (No. 44). Transmits copy of a memorial from Colonel Simons of the militia for a pension as a major in command in lieu of that of which he has been in receipt as a major since he was wounded at Lundy's Lane in July, 1814. Strongly recommends the case of Colonel Simons. 199
Enclosed. The memorial. 201
Documents in support of the petition contained in the memorial. 204 to 217
- November 20, York. Maitland to Bathurst (No. 45). Sends abstract of returns of the average price of wheat and other grain in the markets of York and Kingston for October. 219
Enclosed. Abstract. 221
- December 12, York. Maitland to Bathurst (No. 46). With reference to his dispatch of 12th June last, enclosing copy of a communication from Bishop Macdonell, asks in view of recent occurrences that the recommendation he made in respect to the Roman Catholic Church established in the colony, if not acted upon, may be withdrawn. 223
- December 14, York. Maitland to Bathurst (No 47A). Sends abstract of returns of the average price of wheat and other grain in the markets of York and Kingston for November. 225
Enclosed. Abstract. 226
- December 19, York. Maitland to Bathurst (No 47B). Forwards copy of memorial from the rector and church wardens of the established church at Amherstburg, praying for pecuniary help to finish their church. Recommends the prayer of the memorial. 227
Enclosed. Petition of the rector and church wardens of the Protestant Episcopal Church of Amherstburg mentioned in letter. 229
- December 21, York. Maitland to Bathurst (No 48). Transmits memorial from James Crookes for halfpay as Major of Militia. Did not feel at liberty to decline sending it, but sends report by the adjutant general to give His

1826.

Lordship an opportunity of forming his judgment on the question. 232
Enclosed. Memorial by Crookes states his services in the field during the war of 1812 and asks for half pay as Major in the incorporated militia. Page 234

Report by the adjutant general of militia that Crookes had not raised his quota to entitle him to the rank of Major. Since the close of the war he has always been mustered as captain until 1st April, 1822, when he was promoted by the lieutenant-governor to be Colonel of the 1st regiment of the Gore militia. 240

December 23, Maitland to Bathurst (No 49). The legislature convened on the York. 5th. Sends speech, answers, &c. 243

Enclosed. Speech. 245

Answer of the Council. 251

The same by the Assembly. 256

PUBLIC OFFICES, 1826.

Q. 342.

1826.

January 9,
Foreign office.

Clanricarde to Hay. Transmits official note from the Bavarian minister for information respecting John Paul Rattelmüller, who was employed as interpreter in Upper Canada in 1804. Page 30

January 9, *Enclosed.* Baron de Cetto to Canning, 8th December, 1825. For information of the fate of John Paul Rattelmüller. 31

Treasury. Harrison to Wilmot Horton. The Treasury, under the circumstances, have authorised the Secretary at war to grant half pay to the officers of the battalion of incorporated militia of Upper Canada and to make provision for the same in the estimate to be submitted to Parliament, but no other applications of this nature should be entertained. 168

January 9, Same to the same. Robinson, superintendent of emigration to Canada, Treasury. has drawn a bill for £1,000; the Treasury desire Bathurst's opinion as to its payment. 170

January 13, Merry to the same. The Treasury authorise half pay to the officers War Office. of the incorporated militia of Upper Canada. Asks for a list of officers entitled to it with their Christian names in full. 200

January 13, Harrison to the same. Asks for copy of letter from Bathurst, Treasury. authorising the payment of £350 to Dr. Strachan for his travelling expenses on matters connected with the property of the clergy of Upper Canada. 171

January 18, Merry to the same. Lieut. D. C. Napier, late of Meuron's regiment, War Office. has applied for leave to receive his half pay, together with his income as commissary of transports, Montreal. What is the annual amount of the salary and emoluments of the civil situation and the date of the appointment. 201

January 19, Christopher Robinson to Bathurst. Has arranged for the division of Doctor's the Church of England in Upper Canada into the two arch-deaconries of Commons. York and Kingston. 45

January 23, Harrison to Wilmot Horton. Encloses letter from the secretary at Treasury. War that he had included in the army estimates a sum for half pay to the officers of the late incorporated militia of Upper Canada. 172

January 30, *Enclosed.* Palmerston to Harrison. Estimate for half pay included Treasury. in the army estimates. 173

February 6, Harrison to Wilmot Horton. Asks for the opinion of Bathurst as to Army Medical payment of a bill for £1,000 drawn by Robinson on account of emigration from Ireland to Canada. 174

February 6, McGregor, director general, to the same. In reference to the case of Depaartment. McGregor, an officer in the Kent volunteers of Upper Canada, the

1826.

- decision as to a pension rests exclusively with the secretary at War to whom a certificate would be sent similar to the one inclosed. Page 215
Enclosed. Certificate of the case of McGregor. 216
 Merry to Wilmor Horton. Asks for a second list of the officers of the incorporated militia entitled to pensions, as the first had been mislaid. 202
- February 7, War Office. Taylor to the same. Sends memorial from Major George Stephens, which the Commander-in-chief asks him (Horton) to enable him to answer. 21
- February 8, Horse Guards. Same to the same. In reference to letter of 10th (8th) instant asks for the return of memorial from Major Stephens. 22
- February 13, Horse Guards. Hobhouse to Hay. In the case of Shawanakisio, an Indian convicted of murder, the law officers have reported in favour of its validity, and no ground appears for a recommendation to mercy, but as lieutenant governor Maitland may know of circumstances that may justify a lessening of the punishment, it is left to his discretion to do so, if he shall be so advised. 40
- March 8, York. Dunn to Lushington. Enclosed in Hill to Wilmot Horton, 16th June.
- March 10, Ordnance. Griffin to Wilmot Horton. The Board of ordnance, in answer to Dalhousie's suggestion to remove to the post of St. Mary's on leaving Drummond Island, call attention to the report of the commissioners who disapprove of so advanced a post, but in case it should be absolutely necessary, recommend St. Joseph's. The commissioners, however, consider the post should be established at Penetanguishene, if such a post be absolutely necessary or that the Indian presents he distributed at Amherstburg. They submit the consideration of how far it would be advisable to accede to Dalhousie's proposition to purchase the property of the North West Company at St. Mary's. 118
- March 25, War Office. Merry to the same. As the pay of the Canadian commissioners closed previous to 24th June last, and the official correspondence since ought not to prevent Sir John Harvey, major of the 103rd foot and Lieutenant-Col. Francis Cockburn of the New Brunswick Fencibles from receiving their half-pay from 25th June, 1825. 203
- April 3, Ordnance. Byham to the same. Transmits letter from Mann, with accompanying papers relative to the Rideau Canal proposed to be built in Canada. The Board desire to submit them to Bathurst before framing instructions to By, who is to proceed to Canada to superintend the construction. As soon as the papers are returned they shall frame the instructions. 120
- Memoranda by Sir James Carmichael Smyth to General Mann on the proposed Rideau Canal. The document begins: "The following memorandum relative to the proposed water communication between the Ottawa River and the town of Kingston upon Lake Ontario contain everything that has occurred to me as in my power to communicate, which may be of service to Lieutenant-Colonel By." 122
- April 4, Horse Guards. Taylor to Wilmot Horton. Refers for Bathurst's consideration petition from Denis Kerivan, out pensioner, for a free passage for himself and family, his father and brothers residing in Montreal. 23
- April 8, Treasury. Hill to the same. Herries does not think the Treasury would object to the commissary receiving into the military chest and granting bills at the current rate when it is considered expedient for the public service to remit, but money received into military chest will be applicable to army service only. It would not be expedient to receive moneys into the military chest on deposit or to pay interest for it. 175
- April 10, York. Maitland to Harrison. Enclosed in Hill to Wilmot Horton, 11th June.

1826.
April 11
TreasuryApril 11,
TreasuryApril 15,
OrdnanceApril 26,
Horse GuardsApril 28,
TreasuryMay 3,
WhitehallMay 11,
TreasuryMay 19,
WhitehallJune 10,
WhitehallJune 16,
TreasuryJune 17,
Quebec.June 21
OrdnanceJune 27,
AdmiraltyJuly 13,
War Office

1926
April 11,
Treasury.

Hill to Wilmot Horton. The Receiver General of Upper Canada's accounts have been audited and the accountant is indebted at the termination of the accounting in the sum of £23,217 13s. 4½d., besides the sum of £57,412. 10s. granted for the losses sustained during the war, for which no detailed account has been transmitted. The Receiver General to have his attention directed to the state of the account and to be instructed to prepare a statement of the disposal of the £57,412. 10s. The lieutenant-governor is to take measures to satisfy the Treasury that the large balances in the Receiver General's hands are duly secured and will be forthcoming when required. Page 176

April 11,
Treasury.

Same to the same. Robinson, superintendent of emigration, has drawn for £2,000. The Treasury desire Bathurst's opinion as to the payment. 178

April 15,
Ordnance.

Byham to the same. As By is leaving for Canada, the Board of Ordnance wish for papers back before they draw up his instructions. 131

April 26,
Horse Guards.

Taylor to the same. Refers letter from Lieut.-Col. G. Macdonell, containing application for a medal. 24

Enclosed. Macdonell to Taylor, 18th April. States his services in attacking Ogdensburg, raising the Glengarry regiment, &c., for which he had been promised a medal. 25

April 28,
Treasury.

Herries to Wilmot Horton. In reference to the application from Kingston for assistance in building a church, as the cost of the erection is much increased by the space allotted for the military, the sum of £1,500 may be granted from the military chest, but no further assistance will be given to the erection or future maintenance. 179

May 3,
Whitehall.

J. Stephen, jr. to the same. Opinion of Counsel that aliens cannot be naturalized except by Imperial Parliament and cannot enjoy the same rights as those can do who are naturalized in England. 100

May 11,
Treasury.

Hill to the same. Robinson, superintendent of emigration, has drawn for £3,000. The Treasury desire to have Bathurst's opinion thereon. 180

May 19,
Whitehall.

Hobhouse to the same. Transmits free pardon to Hans Hawe and Elizabeth Maxwell, convicted of child murder in Upper Canada, to be forwarded to the lieutenant-governor, that the prisoners may receive the benefit. 42

June 10,
Whitehall.

Same to the same. Asks for such an answer to the enclosed as may be sent to Campbell of Blytheswood and shown by him to the applicants. 43

(The note was addressed either to Horton or Hay).

June 16,
Treasury.

Hill to Wilmot Horton. Transmits letter from Maitland enclosing memorial from Dunn, Receiver General of Upper Canada, for remuneration for his services for raising money by debentures. This being a provincial matter, should be referred to the colonial legislature for the grant of an allowance. 181

Enclosed. Maitland to Harrison, with memorial from Dunn. 183

Application from Dunn. 185

June 17,
Quebec.

Sutherland to Hillier. Enclosed in Freeling to Wilmot Horton, 2nd November, 1826.

June 21
Ordnance.

Byham to Wilmot Horton. In reference to correspondence respecting the Rideau Canal, transmits copy of minute of the Master General of Ordnance, copies of which and of other papers were sent to By for his guidance. 131

Enclosed. Minute of the Master General of Ordnance relative to the construction of the Canal, and to the responsibility that rests on the officers of engineers. 132

June 27,
Admiralty.

Barrow to Wilmot Horton. The Canada Company may have the use of the Admiralty charts to help in the preparation of a map by that company. 3

July 13,
War Office.

Lukin to the same. Captain Archibald McLean, late of the incorporated militia, asks to have his half pay with his income as registrar for

1826.
the counties of Stormont and Dundas, registrar of the surrogate court and clerk of the peace for the same district. Wanted the annual amount of the salary and emoluments and the dates of his appointment to these offices. Page 204
- July 13, Montreal. By to Mann. Enclosed in Fitzroy Somerset to Wilmot Horton, 1st September.
- July 14, Doctor's Commons. Law Officers to Bathurst. Have prepared the form of an instrument for carrying into effect certain alterations proposed with respect to the Archdeacons of Upper Canada 48
- July 15, War Office. Lukin to Wilmot Horton. Capt. John McDonell, late of the incorporated militia, applies for his half-pay with his income as registrar for the County of Glengarry in the Eastern district. Wanted his civil income and the date of his appointment. 205
- July 18, War Office. Merry to the same. As regards halfpay to Sir John Harvey and Lieut. Col. Cockburn, whilst acting as commissioners for valuing Crown lands in Canada, the Secretary at War (Palmerston) points out how the matter could have been arranged. 206
- July 21, War Office. Same to the same. Lieut. W. M. Jarvis has applied to receive his half pay, with his income as Sheriff of Goree (Gore). Wanted statement of his salary and emolument and the date of his appointment. 208
- July 22, Treasury. Herries to the same. Robinson, superintendent of emigration, has drawn a bill for £2,000. The Treasury desire to have Bathurst's opinion thereon. 187
- July 25, Navy Office. Navy Board to the same. The teachers for whom passages are asked cannot be conveyed without expense to the public. 115
- July 26, Foreign office. Planta to the same. Transmits letter from Mr. Leake to be forwarded. 33
- Enclosed. Leake to Planta. Encloses letter, which he asks to be forwarded, and to have a certificate returned if the person to whom it is addressed is dead or cannot be found. 34
- July 26, London. Martin to Wilmot Horton. The "Vibelia" transport is only a ship taken upon freight to carry a stipulated number of passengers; all that there is any right to send by her are already appointed. 116
- July 26, War Office. Lukin to the same (two letters). The salaries and emoluments and dates of appointments wanted of ensign A. W. Warffe, second clerk in the office of the Inspector General of Upper Canada, and of Surgeon Grant Powell, clerk of Assembly and judge of district court. 209, 210
- July 29, York. Hillier to Sutherland. Enclosed in Freeling to Wilmot Horton, 2nd November, 1826.
- August 4, Serjeant's Inn. Law Officers to Bathurst. Submits proposed charter to a company of merchants associated to purchase and improve waste lands in Upper Canada. 50
- August 16, Quebec. Sutherland to Francis Freeling. Enclosed in Freeling to Wilmot Horton, 2nd November, 1826.
- August 16, York. Robinson to the Treasury. Enclosed in Hill to Wilmot Horton, 14th October, 1826.
- August (?), York. Hillier to Sutherland. Enclosed in Freeling to Wilmot Horton, 2nd November, 1826.
- August 17, Ryegate. Sir J. Carmichael Smyth to Mann. Enclosed in Fitzroy Somerset to Wilmot Horton, 1st September.
- August 18, War Office. Merry to Wilmot Horton. Warrants for military allowance equal to their half pay will be issued to Lieut. Col. Francis Cockburn and Sir John Harvey, so soon as His Majesty's signature can be obtained. 211
- August 19, Whitehall. Stephen to the same. Transmits for Bathurst's consideration, proposed charter for establishing a university in Upper Canada. 103
- August 23, Ryegate. Sir J. Carmichael Smyth to Mann.

1826.
August 26,
London.

August 29,
Foreign office.

September 1,
Ordnance.

Mann to Fitzroy Somerset. Both enclosed in Fitzroy Somerset to Wilmot Horton, 1st September.

Clanricarde to Wilmot Horton. Transmits copy of letter from the minister at the German diet for information as to the encouragement given German emigrants to Canada. Page 36

Enclosed. Cathcart to Canning. Numerous applications have been made by German farmers and peasants intending to emigrate and the local governments desire to have official assurance that these will be properly received in the colonies. 37

Fitzroy Somerset to Wilmot Horton. Sends copies of letter from Mann and of accompanying papers respecting the canal communication in Canada, with a copy of the orders the Master General of the ordnance has given in reply. Calls attention to the part of Smyth's letter respecting the Welland Canal, and that the Governor of Upper Canada should be moved to settle with the proprietors of that canal as to the size of their locks and that they shall consent to the transport of all government property gratis, on the same terms as were settled with the La Chine Canal. When this is settled they should be paid one fourth of the sum agreed upon in each of the four years 1827 to 1830. 140

Enclosed. Gother Mann to Fitzroy Somerset, 26th August. Has consulted Sir James Smyth as to the cost. Encloses his answer. Has received letters from By, which he encloses. Does not agree in By's opinion as to the advantages of enlarging the canal, but it is worth considering. Had consulted Sir James Smyth and encloses his answer. 142

Sir Carmichael Smyth to Mann, 17th August. Returns master General's minute on the canals in Canada. Remarks on the progress of the work on the Ottawa and Rideau and on the need of an additional grant of money. The assistance that might be given to the Welland Canal on an agreement to carry government stores, &c., free, as in the case of the La Chine Canal. The ninth of the amount for constructing the canal, would be £16,360 to be paid to the proprietors and the locks should be at least 22 feet broad. Calculation of the annual payments. 144

By to Mann, 13th July. The advantage of enlarging the canals for communication by steamboat navigation from the St. Lawrence to the lakes. The canals are on too small a scale as the steamers measure from 110 to 130 feet in length, from 40 to 50 feet in width, drawing 8 feet when loaded. Strongly recommends the Welland, the Rideau and the Grenville canals being constructed on a scale to pass these steamboats, and that the north passage round the island of Montreal should be deepened and one or two locks constructed. This would give an uninterrupted line of steamboat navigation from Quebec to the upper lakes and opening the Richelieu would admit steamers to Lake Champlain. Urges that the canals should be in the hands of government. Estimated cost. Welland £400,000; Rideau £400,000; Grenville £100,000; north side of the isle of Montreal £150,000; Richelieu £150,000; total £1,200,000. The increase of business these works would cause and the larger consumption of British goods. 149

Carmichael Smyth to Mann, 23rd August. Criticises adversely By's proposal to enlarge the canals and adheres to his opinion that a width of 20 feet is sufficient. 156

Fitzroy Somerset to Mann, 1st September. By is to be instructed to go on with the work without altering any part of the plan proposed, although the Master General would always be happy to receive his observations. Steamers cannot be used in canals without probably destroying their banks. By is entirely wrong respecting the navigation of the Richelieu. 162

- 1826
September 5, Admiralty. Barrow to Wilmot Horton. The Lords of the Admiralty have instructed their solicitor to take steps to stop the publication by the Canada Company of a map of Upper Canada taken from Bayfield's survey. Page 4
- September 7, War Office. Lukin to the same. Brevet Major Hillier applies to receive his half pay with his income as private secretary to Maitland. Wanted his salary, &c., and the date of appointment. 212
- September 9, Worthing. Hill to the same. Reasons for accepting the bills of the Bank of Montreal, instead of gold, for the proceeds of the tea sold by the agent of the East India Company and for the payments due by the Canada Company. 188
- September 9, Admiralty. Barrow to the same. The Lords of the Admiralty had intended to obtain an injunction to prevent the sale of the map of Upper Canada by the Canada Company taken from the survey of Bayfield, but as the publishers had consented to withdraw the names of the Admiralty and Bayfield, the Admiralty had decided to allow the publication. 5
- September 9, Serjeant's Inn. Opinion of Counsel on the power of the Sheriff to levy for arrears of rent on Crown reserves. 52
- September 9, Serjeant's Inn. Opinion of Counsel on the right to the suffrage of persons having received grants of land. The right only applies to land granted before the division of the province, but may be acquired by the grantees fulfilling certain conditions. 55
- Enclosed. Statement of the statutes under which a sheriff in Upper Canada acts. 58
- Report of attorney general Robinson to S. Smith, administrator on the subject of enforcing payment of rents of the Crown and Clergy reserves under lease. (The report is long and elaborate.) 61
- Report of solicitor general Boulton to Sir Peregrine Maitland on the same subject. 77
- September 19, Ordnance. Fitzroy Somerset to Wilmot Horton. Asks that the correspondence respecting the conduct of Capt. Matthews be returned. 165
- September 23, Whitehall. Stephen to the same. Sends draught of letter to be written by him (Horton) to Lord Clanricarde respecting German emigrants for Upper and Lower Canada. 104
- September 30, Whitehall. Adams to the same. Sends copy of bill drawn by Ridout, surveyor general, for his salary. Must daily expect bills from the other officials. Having received no authority to pay them, asks Bathurst's commands, as the merchants to whom they are sent will return them if not paid to the great inconvenience and injury of the officers. 16
- Enclosed. Copy of the bill drawn by Thomas Ridout. 18
- October 2, Whitehall. Adams to Wilmot Horton. Another bill has been received, drawn by Duncan Cameron, for his salary. Is waiting anxiously for instructions. 19
- October —, Admiralty. Barrow to the same. Transmits memorial from officers in Canada on the subject of the formation of an establishment for the education of their children. 6
- Enclosed. Capt. Byng. Transmits memorial from officers in the township of March. 7
- Memorial from officers for the establishment of a Seminary within their means for the education of their children. 8
- October 7, Treasury. Herries to Wilmot Horton. Robinson has drawn bills for £2,000 for emigration and the Treasury have had under consideration this and the account of the money already expended. The Treasury desire to have Bathurst's statement respecting these bills and authority under which they were drawn, as the only amount remaining is the balance of £1,162 12s. 4d., so that if the sum of £2,000 is to be paid, an application must be made to Parliament for further funds. 190
- Statement of payments on account of emigration from Ireland. 192

1826
October
Treasury

October
Treasury

October
Treasury

October
Whitehall

October
Treasury

October
London.

November
Post Office

November
War Office

November
Treasury

November
Ordnance

December
Whitehall

December
Doctor's
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Whitehall

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Page 4
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1826.
October 14,
Treasury.
Hill to Wilmot Horton. Transmits letter that Robinson has drawn for £1,000 in favour of Thos. G. Ridout. The Treasury desires to know Bathurst's opinion as to this additional bill. Page 194
Robinson to Treasury, 16th August. Has drawn for £1,000 as above. 193
- October 19,
Treasury.
Hill to Wilmot Horton. When will the Canada Company pay the £5,000 promised? Adams requires money to pay the salaries. 195
- October 20,
Treasury.
Same to the same. Returns the papers respecting the Canada Company. When they are prepared to pay the money he is to be told, so that they may be apprized whom to pay to. 196
- October 20,
Whitehall.
Stephen to the same. Freshfield says that the Canada Company are willing to pay the money at once. Is waiting for memorandum before he brings forward the case in a more regular and official form. 195
- October 21,
Treasury.
Hill to the same. Robinson has drawn a bill for £1,000; the Treasury desires to have Bathurst's opinion thereon. 197
- October 30,
London.
Strachan to——. The law officers having suspended their opinion respecting the establishment of a university in Upper Canada, states that the charter is substantially framed from those already given to colleges. Encloses extracts from charter to King's College, New York, now called Columbia College. 97
Extracts referred to. 92
- November 2,
Post Office.
Freeling to Wilmot Horton. Transmits letter with correspondence from Sutherland, deputy post master general of Canada, relative to appointing a deputy postmaster general for Upper Canada. Refers to previous correspondence; the Postmaster General has not changed the opinion therein expressed. 218
Enclosed. Sutherland to Freeling. Recommends the appointment of a deputy postmaster general in Upper Canada who should report and be subject to him. Recommends Macaulay for the position. 220
Correspondence on the subject. 224 to 229
- November 11,
War Office.
Sullivan to Wilmot Horton. Paymaster William Kemble has applied to receive his half pay with his civil salary. Wanted statement of the amount of his salary, &c., and date of his appointment. 213
- November 15,
Treasury.
Hill to the same. When is the money from the Canada Company to be expected? 198
- November 27,
Ordnance.
Byham to the same. In the absence of detailed estimates, the Board of Ordnance are of opinion that the sum required for the Rideau Canal for next year will be £41,000, the canal to be completed in four years from 1st January, 1827. 166
- December 2,
Whitehall.
Stephen to the same. The questions submitted by the lieut. governor of Upper Canada are resolvable into the question, whether the clerks of assize in the circuit of Upper Canada are to be appointed by the clerk of the Crown or by the judges of assize. The attorney and solicitor general hold different views. He agrees with the attorney general that the judges have the right to appoint and the right should be decided by the proper legal tribunal, but as it is the judges whose rights are in question so that their judgement would be subject to appeal, the most convenient method of disposal is to refer the parties to the provincial court for a preliminary judgment, so that it could be brought within the cognisance of the supreme court of appeal. 106
Opinion of Counsel on the proposed charter for the establishment of a college in Upper Canada to be called King's College. 90
Stephen to Wilmot Horton. Does not know how to proceed to discuss the question the Crown lawyers have to solve, namely, whether the Church of England is the established Church in the colonies. It can only become so by positive statute which has not been done. The King could make it the established church, but that could not be done in the case of
- December 4,
Doctor's Commons.
December 7,
Whitehall.

1823.

the Church of Scotland, it being of the very essence of the Kirk to be an elective body. Page 109

Memorandum unsigned with extract of dispatches from Bathurst that if he had available funds he would grant salaries to the Ministers of the Church of Scotland, but the want of means prevents him from doing so. 112

December 12,
Downing
Street.

Wilmot Horton to Stephen. The object of Bathurst in his question as to the ~~Established~~ Church was to learn if, since the Act of Union, the title was to ~~remain~~ the Church of England exclusively or as embracing both churches. 113

MISCELLANEOUS, 1826.

Q. 343—1—2—3.

1813.

(Part I. is paged from 1 to 228; part II. from page 229 to 456; part III. from 457 to page 651).

November 27,
Kingston.

O'Connor to Yeo. Letter of resignation.

December 27,
Upper Canada

Yeo to O'Connor.

1824.
February 20,
Audit Office.

Mallet to O'Connor. This and the two preceding letters enclosed in O'Connor to Bathurst, 25th June, 1826.

1825.
August 25,
Monaghan.

P. Robinson to Hillier. Enclosed in J. B. Robinson to —, 22nd January, 1826.

September 16,
Ramsay.

Corkery to P. Robinson. Enclosed in P. Robinson to Wilmot Horton, 30th January, 1826.

October 6,
Colbourn.

P. Robinson to J. B. Robinson.

October 21,
Smith.

The same to the same.

December 2,
Monaghan.

Reade to Peter Robinson.

December 13,
Port Hope.

"An Emigrant" to the *Weekly Messenger*. This and the three preceding documents enclosed in J. B. Robinson to —, 22nd January, 1826.

December 30,
York.

Resolutions of the House of Assembly on the alien question. Enclosed in Rolph to Wilmot Horton in undated letter of 1826. (May?).

1826.
January 7,
Quebec.

Fitzgibbon to the *Quebec Mercury*. Enclosed in J. B. Robinson to —, 22nd January, 1826.

January 8,
London.

Chief Justice Abbott to Wilmot Horton. Returns the letters of Bathurst to Maitland, with thanks for the opportunity of perusing them. Page 3

January 12,
Monaghan.

P. Robinson to J. B. Robinson. Enclosed in J. B. Robinson to —, 22nd January, 1826.

January 12,
Queen's Hotel.

D'Arcy Boulton to Wilmot Horton. His leave of absence having been extended, half a year's salary is due to him. He presumes that Adams will require instructions to pay it. 31

January 21,
London.

Hood to the same. For an audience relative to the growth of hemp and flax in Upper Canada. 176

January 22,
York.

J. B. Robinson to —. Reports the satisfactory condition of the emigrants brought by his brother and the attention that was paid to them by the officials until they were settled, the friendly terms on which they live with their neighbours. The false reports that whole families were swept away by sickness; the mortality, on the contrary,

January
London.

January
London.

1820.

being surprisingly small. The circulation of such reports is general. Col. Talbot heard that the deaths were 30 a day at the depot, but only one old man died since they arrived there. The story of their going to the United States is equally false. His regret at the false accounts sent to the Colonial office, and that he had not written in spite of being so busy. Sends a few of his brother's letters to make up for this. The trust to be placed in Fitzgibbon; any of the military officers who have served in Canada can confirm this. The "Emigrant" is a Mr. Stewart, from the North of Ireland, a magistrate and one of the most respectable men in the country. Repents his account of the comfortable condition of the emigrants of 1823. Page 241

Enclosed. P. Robinson to J. B. Robinson, 2nd December, 1825. Sends enclosed copy of letter which he has only had time to copy to send by the next mail. 250

P. Robinson to J. B. Robinson, 21st October, 1825. Is closely occupied attending to the settlers. Bastable's attempt to get them to complain. This tampering did some mischief but they are now behaving well, but he hears that correspondence is carried on by some of the settlers with Bastable, and that they report all that passes. It is provoking to work hard and then to be misrepresented. 251

Same to the same. Has been only waiting the arrival of some stores from Kingston to visit him (J. B.) The delay caused by bad roads. The good effect of the imprisonment of Finn; the mischief wrought by McKenzie's garbled reports of the proceedings of the House, but the settlers are getting on remarkably well, and they pride themselves on their good behaviour. Application for reinstatement by Thomas Stark, who was dismissed at Cobourg, and now appears very contrite. 254

Ronde, surgeon, to P. Robinson, 2nd December, 1825. Warns him against the efforts of Bastable to excite discontent amongst the emigrants. The mischief caused and what it may lead to. 258

P. Robinson to Hillier, 25th August, 1825. Has been unwell but not seriously; the weather has been unhealthy, but there have been few cases of illness among the settlers who are in the highest spirits on being so near their destination. 261

P. Robinson to J. B. Robinson. Has sent return of mortality to Hillier, which has not been so great for the number and the unhealthiness of the season. Expects soon to have a surveyor to consult on a survey of the town plot at the head of the Otonabee River. Suggests that it be called Wilmot Horton; it is the prettiest place he ever saw. There is no saying what difficulty he may meet with; he exacts the strictest obedience; there are many idle rascals exciting the people to disobedience, but he is determined to carry a high hand at the depot. 263

Letters from Fitzgibbon to the Quebec *Mercury*, 7th January, 1826, and from an "Emigrant" to the *Weekly Messenger*, 13th December, 1825, contradicting the accounts of the wretched state of the emigrants brought by P. Robinson. 265-269

Remarks of the editor of the *Weekly Messenger*. 271

January 25,
London.

Harvey to Wilmot Horton. Had declined to examine the correspondence in regard to the Canada commission, as he does not wish to have any more to do with it than to take his fair share of the responsibility. Is not surprised at Bathurst's dissatisfaction with the report, as he had always been of opinion that it could not be satisfactory for reasons which he had already stated. 177

January 26,
London.

Bosanquet to Bathurst. On behalf of the directors of the Canada Company desires to know the extent of the reconsideration of the award

1824.

as the condition on which he would recommend the immediate grant of the charter to which the committee attach so much importance.

January 30,
London.

Pelly to Wilmot Horton. McLaughlin is a chief trader in the Hudson's Bay Company's service, and is at present in charge of their establishment at the Columbia River.

Page 10

January 30,
York.

P. Robinson to the same. Has kept the lieutenant governor acquainted with his movements. Had he known the reports as to the unpromising state of the emigrants, had no doubt he would have contradicted them. He himself had spent much time with them in the woods and has no hesitation in saying they will make valuable settlers.

230

Enclosed. Michael Corkery to P. Robinson. His progress and discouragements. Asks that he, (Robinson) would purchase his surplus produce for the rations required for the settlers, as he has no oxen to carry them to market.

275

January 30,
York.

Speech of the lieutenant governor at the prorogation of the legislature.

277

February 2,
York.

J. B. Robinson, to Wilmot Horton (?). Has been asked to forward his brother's letter. Other letters from himself and Hillier must have put him at ease as to rumours that reached him, the result of both experiments could not have been more satisfactory. A visit is to be paid to the settlement by Maitland, himself and Talbot. Wished to write about the Canada Company but had not leisure. Strachan is to have leave to establish a university. He (J. B. Robinson) expects to sail early in March and to arrive in April.

506

February 2,
Rainsgate.

Petition of Margaret Plenderleath, widow of Simon McTavish, repeating that her case before the Court of Kings' Bench of Montreal, cannot be tried for want of a quorum and praying for relief. (A repetition of former memorials.)

279

February 8,
London.

Galt to Wilmot Horton. The necessity of bringing the business of the Canadian claims to a conclusion. Previous arrangements have proved nugatory, the expediency of considering whether any other plan of liquidation may be adopted.

231

February 8,
London.

Bosanquet to the same. The directors of the Canada Company have received the explanations he sent of the extent of the reconsideration of the award required by Bathurst, and now encloses the opinion of the Company's counsel on the power of the directors to accede. Sends also resolution of the directors, containing the only mode they are advised they can be justified in concurring in the reconsideration proposed, should such a measure be found either necessary or expedient. The modification of Bathurst's proposition does not change the principle but only the order of proceeding. The satisfaction of the directors at the continued favourable opinion of Bathurst.

92

Enclosed. Case proposed by the directors with opinion of counsel. Resolutions of the directors on Bathurst's determination to reject the award of the commissioners in which they propose the appointment of a referee.

13

February 8,
London.

H. J. Boulton to Wilmot Horton. Sends proposed bill for the relief of aliens who have settled in Upper Canada. It is on the principle of the instructions sent to Maitland, but the provincial legislature cannot confer on aliens all the rights of British subjects, one of these being the right of voting at elections which can only be given by Act of the British Parliament. Recommends that this disability should be done away with as a voluntary act before an address can be received from Canada on the subject.

16

The proposed Act.
(See also page 58).

20

34

37

1823
February
London.February
York.February
London.February
London.February
Horse-Gu.February
London.March 1,
London.March 2,
York.March 3,
Horse-Gu.March 4,
London.March 6,
Manchest.March 7,
London.March 9,
York.

1829.

February 13,
London.

H. J. Boulton to——. Reports the method of disposing of government land in Michigan; it is reported to be of good quality, but there are complaints about water. The land is represented to be not as good as that in Upper Canada, but vast numbers flock there from the Eastern States, the nursery of the west.

Page 42

February 18,
York.

Memorial of Thomas Talbot, stating his services towards the settlement of the country, the cost to himself of the settlement which has straitened his circumstances, prays for an allowance from the Crown reserves.

631

February 20,
London.

Galt to Wilmot Horton. A letter should be addressed to the government of the lower province to sanction new taxes at Quebec for the interest of the loan negotiated by him.

93

February 22,
London.

Markland to the same. Has received report of the comfortable state of the emigrants taken out by Robinson and their satisfaction. The exaggerated account of their illness last summer. Sends sections of a newly invented railway; its advantage and moderate cost.

195

February 24,
Horse Guards.

McGregor to Bathurst. On the subject of the charge against him of giving three powers of attorney to collect his pension besides calling for it personally. Denies the charge and explains how it probably happened that the charge could have arisen.

197

February 26,
London.

H. J. Boulton to——. Has been ordered to hold himself in readiness to aid in the discussion relative to the affairs of the Canada Company; in that case his leave of absence must be extended.

44

March 1,
London.

Galt to Wilmot Horton. Regrets he cannot have an oral discussion respecting the order in Council of Upper Canada supposed to affect the prospects of the Canada Company. The effect the order will produce on the public and the prejudicial results of the system of sale proposed by the government of Upper Canada. The rates of prices to individuals appear to be unfair towards the company, although this may not be the intention of government. The extent of revenue that the company is to pay as compared with the amount in the last four years. Suggests a junction between the land granting office and the company to manage the government land. Complaints of the restriction of emigration and other hindrances.

94

March 2,
York.

Address to Maitland by the Irish emigrants brought out by Robinson.

62

Answer by Maitland.

64

March 3,
Horse Guards.

McGregor to Wilmot Horton. Thanks for the information that Maitland will be directed to restore his pension. In consequence of delays he has exhausted his means and contracted debt. Asks for an advance of £100 and offers his lands in Upper Canada as security.

201

March 4,
London.

Galt to the same. Sends Canadian papers containing certain discussions. Urges him to introduce a declaratory bill agreeably to the one framed upon the resolutions of the Assembly of Upper Canada and in opposition to the attorney general's impolitic measure.

102

March 6,
Manchester.

Rev. W. Johnson to Bathurst. For a passage for Mrs. Hanna, wife of John Hanna, pensioner, and her family to Upper Canada.

189

March 7,
London.

H. J. Boulton to Wilmot Horton. Reports that American citizens are aliens and as such are incapable of holding lands or enjoying any other privilege than a Spaniard would do in England unless they comply with the provisions of the old statutes for the naturalization of persons in the colonies. All civil disabilities, except those giving a right to vote at elections or to be elected, may be removed by provincial enactment but the exceptional privileges can only be conferred by the British Parliament.

45

March 9,
York.

J. B. Robinson to Wilmot Horton (?) Again after personal examination contradicts the stories and false reports respecting the emigrants

- 1826.
- of 1823. An examination should have been made before Dalhousie made the statements he did. Page 281
- Enclosed.* Burke to J. B. Robinson. Favourable report of the settlement of the emigrants of 1823. 283
- March 15, York. P. Robinson to Wilmot Horton. Sends return of Irish settlers to be attached to his letter of this date. 286
- March 15, Horse Guards. Brice McGregor to the same. In consequence of the refusal of Bathurst to advance McGregor money to pay his debts and the wretched condition to which he is reduced, he, with the assistance of a few friends will advance him £100 to pay his debts, &c., for which he is to sign a bond. Although of the same name he is no relation of lieutenant McGregor. 203
- March 16, London. Hayes to Wilmot Horton. When he called, in November, had been asked to call again on his return from Ireland. Had done so, but found him much occupied. As he sees his attention is directed to Canada, thinks he may give him information, as he has just returned having formed a considerable settlement in the neighbourhood of his iron works at Marmora. 180
- March 18, London. Clare to Wilmot Horton. Asks him to get a letter of introduction to the Governor of Upper Canada from Bathurst for Robert, Thomas and Hugh Harding. 68
- March 18, London. R. J. Uniacke to the same. Will attend the committee on emigration at any time he shall receive notice. The only other person whom he knows in London, who can give material evidence is his son Norman Fitzgerald Uniacke. If necessary, he will attend the committee. In discontinuing the proceedings relative to the presentation to the rectory of St. Paul's at Halifax, the expenses already incurred have been overlooked. Asks that Bathurst's attention be called to the subject, as he (Uniacke) is responsible for the whole. 641
- March 21, London. Adams to the same. Finds that no sum has been voted for the civil service of Upper Canada, so that his office is abolished. The hardship to himself and family which this involves. Account of his employment in the civil service, for which the office was conferred upon him for life as he understood. 4
- March 21, London. Same to the same. Sends two applications with thanks for kindness. 8
- March 31, London. Henderson to Bathurst. In 1822, he had permission to proceed to Canada as a settler and a grant of 200 acres. He had not been able then to take advantage of the grant, but can do so now; hopes, therefore, it may stand. He proposes to become a schoolmaster and requests that he may have a passage for himself and his wife. 182
- April 1, London. *Enclosed:* Copy of letter from Wilmot to Maitland, 15th March, 1822, desiring that he would give a grant of 200 acres to Edward Henderson. 184
- April 3, Manchester. Darcy Boulton to Wilmot Horton. Had been on board the ship "Cortes" to sail, when he was attacked by violent indisposition. Asks for a short extension of his leave of absence. 32
- April 4, London. Rev. W. Johnson to Bathurst. No answer having been made, makes a second application on behalf of Mrs. Hanna. 191
- April 4, London. H. J. Boulton to Wilmot Horton. Explains the opinion of Robinson and himself as to the value of lands in Upper Canada, and that they did not mean to convey that large tracts of land could be sold for more money than the Company have offered, but that small quantities could be sold for a great deal more, not that large tracts are less valuable but that purchasers bear no proportion to the quantity of land in the market. To render the lands available, time must be given for the introduction of purchasers. If it is intended to force sales to meet present purposes it would save money to grant the Company their charter and let them have the land at their present average. 47

1826.
April 8,
London. Lieutenant Colonel G. Macdonell to Wilmot Horton. Is the report correct that orders have been issued for the execution of the Rideau communication? His only object is to be satisfied as he was the original proposer of the work. Page 205
- April 12,
London. H. J. Boulton to the same. From his constant employment on matters interesting to Canada, applies to be made a member of His Majesty's Council on his return to Canada. 50
- April 18,
London. Carmichael Smyth to the same. Called on Lieutenant Colonel Macdonnell. Was happy to meet so zealous and intelligent an officer Lieutenant Colonel By is to superintend the construction of the Rideau Canal; believes he sails next week. 523
- April 25,
Lincoln's Inn. Stuart to the same. Understands from Sir James Riddell that he (Wilmot Horton) desires information on the subject of emigration from the West Highlands. He shall have pleasure in giving information at a personal interview. 525
- April 26,
London. H. J. Boulton to the same. Has been appointed to negotiate £100,000 currency for the Welland Canal Company. The Board of Directors desire to offer the situation of agent in London, to John Galt and to request his (Wilmot Horton's) approbation of the proceedings of the company. 52
- April 26,
London. Knatchbull to the same. For information on the subject of a letter enclosed. 193
- April 26,
London. Strachan to Bathurst. Had come at the instance of the lieutenant governor to solicit His Lordship's co operation in the establishment of a university. Transmits dispatch, with this letter, which will show the great importance attached to this subject by the lieutenant governor. 527
- April 29.
Markland to ——. Asks for an appointment as superintendent of the post office in Upper Canada owing to his own and his father's services. Refers to testimonials. 206
- April 29,
London. Strachan to Wilmot Horton. The government of Upper Canada feels much interested in the Welland Canal as evidenced by the loan of £25,000 to accelerate the work. The inhabitants of the United States are alarmed at the effect of the superiority of the work of the Welland Canal lest it should materially interfere with the canal they have completed from Lake Erie to the Hudson. 529
- April 29,
Monaghan. P. Robinson to Wilmot Horton. Sends return of Irish settlers in the district of Bathurst, settled in 1823. 287
- April 29,
London. Rolph to Wilmot Horton. Has come from Upper Canada to vindicate the conduct of himself and friend from imputations for the part they have taken on some questions of importance to the colony. Desires also to have an interview with Bathurst. 328
- May 4,
London. H. J. Boulton to ——. His reasons for not being at the committee on emigration. Cannot name a day earlier than next week for giving a regular reply to the answer of the commissioners, nor does he think Dr. Strachan could be ready earlier. 54
- May 5,
London. Bannister to Wilmot Horton. Sends some numbers of his pamphlet on emigration, confining himself strictly to practical matter and altering the cost of sending people to Canada to conform it to late experiments. He shall have no objection to take whole families to Canada; no one can take people and keep them in Canada in comfort at less cost than himself. 22
- May 11,
Winchelsea. H. Powell to the same. Owing to his wife's long illness he could not proceed to Canada to take possession of the 800 acres granted him by Bathurst in February, 1823, to be in the neighbourhood of his son's 1000 acres, but he died last February at Prescott. His grant is to be assigned to trustees for the benefit of his widow and children; asks that his 800 acres may be assigned to trustees for a like purpose. Has sent persons to cultivate the land and had intended to go himself but his son's death

1826.

and the state of his health prevent this. Prays Bathurst to take his case into consideration. Page 234

Enclosed. Certificate by Dr. Adamson that Powell is unable to undertake a voyage to Canada. 237

May 12,
London.

Rolph to Wilmot Horton. Has been shown by the solicitor general Boulton the draught of the bill for removing the disabilities of the provincial legislature in respect to naturalisation. Suggests that the questions respecting the civil rights of the inhabitants of Upper Canada might not be asked in the Commons as was intended. 329

May 15,
York.

J. B. Robinson to Chief Justice Powell. Gives a sketch of the debate in the House of Assembly, in which his (Powell's) name was mentioned and explains the nature of the discussion which he believes has been misrepresented. 291

May 15,
York.

The same to Wilmot Horton. His obligations to Chief Justice Powell; the feelings entertained by Powell against the lieutenant governor and him. Whatever grievance he complains of should be closely investigated. 288

May 15,
Winchelsea.

Powell to Wilmot Horton. Has been informed that Bathurst has complied with the request respecting the 800 acres, which will enable him to provide for the younger children. Shall next year send out a few emigrants. 238

May 16,
Stonehouse.

Hammill to the same. Applies for employment as emigration agent, having been engaged in selecting emigrants for the Rio de la Plata. 185

May 17,
London.

Greenwood, Cox & Co. to the same. For certificate that Maitland was alive and that he held the office of lieutenant governor of Upper Canada from 1st July to 31st December, 1825. 83

May 17,
London.

H. J. Boulton to the same. The time is near for his leaving for Canada. Asks if his further attendance is necessary, as he wishes to see his relatives. Will thank him for such an answer as he can show to the Colonial government as explanatory of the manner in which he had been consulted and employed at the Colonial Office. 60

May 18,
London.

Rolph to the same. His satisfaction at the progress of the bill to enable the provincial legislature to naturalise foreigners. Regrets the charge made by the Legislative Council against himself and his friends of being actuated by sedition and deviation from British feeling in their public conduct. 511

May 18,
London.

Strachan and Boulton to the same. Remarks on letter from Barclay, the boundary commissioner. If the rules were applied on the St. Lawrence by which the United States obtained Barnhart's island and the principal channel of the St. Lawrence; they ought also to be applied to the case of the Nebish islands. "Either they should be annulled as respects the St. Lawrence, or if retained they should on the present occasion be rigidly enforced without hesitation." The true interest of both nations would be best consulted by permitting the eastern Nebish, as well as the channel south of Barnhart's island to continue common to both. The surprise and concern of every intelligent man at the arrangement respecting the channel of the St. Lawrence and Barnhardt's Island. 530

May 25,
Cold Bath
Fields.

Gourlay to the same. Had told him he was as blind as a mole on emigration so as to startle him into thought, but he still went on wasting money to get a handful of people, when he (Gourlay) could have told him how 50,000 could be got annually. The ignorance shown in the books published on the subject. Had communicated with Hume, but he had refused to present a petition to Parliament in his favour. He might still obtain a commission to examine him in this place (House of Correction). Is sending this letter by Hume. Sends copy of address to the Assembly of Upper Canada. The address contains a proposal for the confederation of the provinces of Newfound, and, Nova Scotia, Cape Breton, New Brunswick, Lower and Upper Canada, the whole to

May 26,
Cold Bath
Fields.

May 26,
London.

May 27,
London.

May 27,
Cold Bath
Fields.

May 29,
Cold Bath
Fields.

May
London.

June 1,
London.

June 20,
Stamford.

June 21,
Cold Bath
Fields.

1826.

May 26,
Cold Bath
Fields.May 26,
London.May 27,
London.May 27,
Cold Bath
Fields.May 29,
Cold Bath
Fields.May ---,
London.June 1,
London.June 20,
Stamford.June 21,
Cold Bath
Fields.

hold a congress at Quebec and each to send two members to the British Parliament, to speak but not to vote. Other details of the proposal. Page 123

Gourlay to Wilmot Horton. Marked to be communicated. The importance of the subject of emigration. Denies that his efforts in Canada were of a seditious nature. If he had chosen he could have raised an insurrection; his wish was to obtain rational inquiry for benevolent ends. The Canadians are very good as farmers, drygoods men and pettifoggers, but the science of legislation is beyond them. Recommends that he (Wilmot Horton), Hume and half a dozen more of the emigration committee go to Quebec, accompanied by McCulloch and himself. How they could consult with the local authorities and the knowledge they would gain. Repeats that the 50,000 people might emigrate annually to the colonies with comfort to themselves and profit to the nation. Urges him to think of the benefits that would arise. 131

Strachan to the same. Suggests that the price of the land be added to the debt when the pauper takes possession, so that for 100 acres and the expense of taking him out the cost will be £100, the interest on which to begin at the end of seven years making an addition of 18 or 20 shillings to his annual payment. 534

Rolph to the same. His gratification at the royal assent having been given to the election bill for Canada. Sends for consideration, draught of bills which must follow in Upper Canada and as they will be reserved bills it can not be but agreeable to His Majesty's government that they be in a form satisfactory to the Secretary of State. 513

Enclosed. Proposed bill respecting elections in Upper Canada. 515

Proposed bill to naturalise inhabitants of Upper Canada not born in His Majesty's dominions. 517

Proposed bill to remove all doubts respecting the civil rights of certain persons therein described. 519

Gourlay to Wilmot Horton. Corrects some verbal errors in letter written yesterday. 138

The same to the same. Contradicts the statement that nothing can be made of colonies adopted, no doubt, by Hume from the Edinburgh Review which urged that Canada might be disposed of to the United States; than which nothing could be more base or more regardless of British interests; he knows what may be done and does not yet despair of good. It will no doubt be allowed that his letter checked the shameful business with the Land Company. Reports the turbulence in Lower Canada. How an end might be put to it. 135

H. J. Boulton to the same. Encloses bill which he has shown to Dr. Rolph, Dr. Strachan and Mr. Stephen who all concur in it. 55

Notes on the bill. 56, 57

Copy of an "Act to enable the provincial parliament of Upper Canada to naturalise the subjects of foreign states within the said province." 58

Strachan to Wilmot Horton. Asks that the attorney general be instructed to pass the patent for the second archdeaconry of Upper Canada which has been a long time before him. 536

Randal to Bathurst. Transmits petition from the district of Niagara to be laid before His Majesty's government. 299

Enclosed. Petition of the freeholders and others of the district of Niagara, who are chiefly what are called American emigrants, praying that the full enjoyment of the rights and privileges of natural born subjects may be continued to them. Signatures are attached. 300

Gourlay to Wilmot Horton. The ignorance of the principles of emigration shown by those who gave evidence before the committee. His

1826.

June 25.
London.

own perseverance. There is still time to send a commission to Quebec.

Page 139

O'Connor to Bathurst. The heavy responsibilities imposed on him whilst superintending the dockyard in Kingston led to his resignation, which was not accepted on the ground of his usefulness. His long continuance in that situation prevented him from attending to his professional interests; now asks for Bathurst's protection.

215

Enclosed. Copy of letter of resignation addressed to Yeo, 27th November, 1813.

218

Yeo to O'Connor, 27th December, 1813. Declines to accept his resignation, on account of the value of his services.

221

Mullet to O'Connor, 20th February, 1824. Has been directed by the Commissioners of Audit to send him a certificate in regard to his accounts.

222

Same to the same. Asks for an interview.

223

June 26.
London.June 26.
London.

Strachan to Bathurst. The proposed university of Upper Canada to which His Lordship has expressed himself favourably might have similar provisions to those of the colleges of Windsor, Nova Scotia, and Fredericton, New Brunswick, with certain variations noted.

537

June 26.
London.

Same to the same. Asks leave to withdraw his proposal of the 15th, and to substitute the one enclosed. The power to admit all the youth of the province to the instructions of the university conferring on them all degrees except those in divinity will be generally approved. In asking that the blank in article seven should be filled up with £10,000 it is not to give large salaries to the principal officers but to enable the university to attach exhibitions to each district of the province and to form a connection with the universities of the country. The report required and other precautions will prevent any misapplication of the revenue. Encloses statement of the revenue appropriated for education in the State of New York.

543

Enclosed. Statement of the appropriations for education in the State of New York.

546

June 26.

Richard Tims to Bathurst. Sends petition to which he anxiously awaits an answer.

634

Enclosed. Petition stating why he had to leave Ireland and praying for a grant of lots on the broken part of Zorra.

635

June 26.
Cold Bath
Fields.

Gourlay to Wilmot Horton. Acknowledges the courtesy of an answer to his letters. Sends copy of letter to the editor of the *Glasgow Free Press* on the subject of emigration to relieve the distress of the weavers. The evil return he has received for his efforts. Repeats the request that a commission may be sent to Quebec, which would collect a mass of evidence before the meeting of Parliament. Again states that he could obtain 50,000 emigrants a year who would yield an annual revenue of half a million. Asks for a copy of the committee's report. How the commission might be sent by steamboat first to Newfoundland, the time that could be spent there and the work that could be done. The good that might result at little expense. There is no comparison between such a voyage and that for the discovery of a North West passage. It is comparing light with darkness, sense with folly, hope with despair.

141

June 26.

Gourlay sends copy of note to Bathurst on the value of the public lands of Upper Canada, dated 7th February, 1818, with Bathurst's reply and offer of Gourlay of £100,000 for Upper Canada annually for twenty one years.

149

June 27.

Gourlay to Wilmot Horton. Sends two books, one for Bathurst; the other he (Wilmot Horton) is to keep.

153

18
July 4.
London.July 5.
London.July 5.
Cold Bath
Fields.July 5.
London.July 12.
London.July 15.
London.July 15.
London.July 25.
London.July 24.
London.July 24.
Iver Gr.July 25.
London.July 29.
London.

- Quebec. 1826.
Page 139 July 4, Strachan to Wilmot Horton. Calls attention to particulars on which
on him London. he requests an early decision. Asks for an interview. Page 547
gnation, Enclosed. Note of matters on which to speak to Wilmot Horton. 548
ong con- July 5, Strachan to Wilmot Horton. In reference to Robinson's statement
s profes- London. that 120 families are actually on their lands and 62 missing of the emi-
215 grants of 1824, accounts for these latter as being chiefly engaged on
h Nov- public works, to earn money for the purchase, and that only one is actu-
218 ally lost. 551
resigna- A letter of the 10th July, was to a similar import. 554
221 Gourlay to Wilmot Horton. Was his communication of 27th June,
by the with two books received? 154
to his
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- July 5, Galt to the same. The arrangement for the settlement of the losses
London. by the late war having been found impracticable, suggests a plan by
which they could be settled by means of the amount to be paid by the
Canada Company. 103
July 12, Strachan to the same. Proposed plan, with alternative proposition
London. for the liquidation of the claims of sufferers in Canada. His sense of the
generous liberality of the British government. 556
July 15, The same to the same. Asks for such a letter communicating the
London. King's gift of £1,000 sterling a year for 16 years, to provide funds for the
necessary buildings, as would enable him to negotiate with the Canada
Company or some other for a loan to make preparations for building. 561
July 15, The same to the same. Hopes the summary enclosed is satisfactory.
London. If published it would induce many to support emigration and encourage
those who are already its friends. 560
July 22, The same to the same. Has read with interest the "Observations"
London. of the attorney general of Nova Scotia of the union of the British Ame-
rican provinces and the heads of the bill for carrying the measure into
effect. As he (Strachan) had written on the subject two years ago, he
would confine himself to making a few remarks. Comments on the pro-
visions of the proposed bill and suggests certain amendments. 562
July 24, The same to the same. In the distribution of the fund to be paid by
London. the Canada Company, the salaries that may be granted to ministers of the
Presbyterian persuasion shall be confined to natural born British subjects
in full communion with and recognised by the Kirk of Scotland, whose
salaries should only be paid on certificate of the governor, lieutenant gov-
ernor or administrator. 568
July 24, Gambier to Bathurst. The Rev. S. Osgood, a zealous clergyman, of
Iver Grove, Canada, has been successful in establishing a society and raising a fund
to promote religious knowledge, and industry among the Indians. He is
returning to Canada with two schoolmasters and their wives, and asks
for a passage for himself and them by a government vessel now at Dept-
ford. 85
July 25, Osgood to the same. Has completed his business in England and at
London. the request of the society for promoting education and industry in Cana-
da, he goes there to act as agent. Asks for passage for himself, for a
schoolmaster, wife and two children, besides freight for 15 or 20 boxes of
books and school apparatus. 224
July 29, The same to Wilmot Horton. Has applied to Bathurst for passage
London. for himself, a schoolmaster, wife and two children with 15 or 20 boxes
of books &c.: a vessel is chartered by government to sail from Deptford.
In regard to recommendations asks for an interview with Bathurst,
when he would show satisfactory papers. Asks also for an interview
with him (Wilmot Horton). 225

1826.
August 3,
London. Osgood to Wilmot Horton. Thanks for letters to Maitland and hopes through these and other letters to secure the approbation of government. Hopes at some future period for some mark of the royal approbation and prays for a donation or annual subscription. Page 227
- August 10,
Laval. Farecy to Colonial Secretary (in French). Had been one of the French emigrants with Puisayo in 1798, and received a grant to the amount of 3,000 acres, of which he received the titles of 337 and subsequently the remainder of 2,663, which are situated in the township of Cartwright and now stand in his name. He could not in 1816 obtain possession of them until instructions were received from the British government, but the lieutenant governor promised on his honour that he would receive them subsequently. Has not received the titles so that he has been unable to dispose of them and cannot repay a debt of honour of 5,000 francs, borrowed to enable him to return to France. Prays that the titles be ordered to be given him. 319
- August 12,
London. Strachan to Wilmot Horton. His sense of the magnificence of the gift of £2,500 per annum from His Majesty towards the relief of the sufferers in the war with the United States; but unless connected with the raising of a larger sum as had been proposed, the amount would not be sufficient to be of benefit to the sufferers. Any other arrangements might, however, be left to the provincial authorities. 570
- August 22,
Kettle Fife. The letter from Wilmot Horton to which the preceding is an answer; is dated August— informs Dr. Strachan that the sum of £2,500 from the money to be paid by the Canada Company is to be given as a free gift. The arrangement that had been proposed for the relief of sufferers by the war was not approved by the Treasury. 572
- August 27, Rev. Peter Barclay to Bathurst. Proposes a plan for the division and appropriation of the clergy reserves, by which he hopes to put an end to disputes between the churches of England and Scotland. 23
- August 30,
Hammer-smith. Markland to ——— Applies for and solicits the office of Receiver of money from the Land Company, whose charter, he learns, has been granted. 209
- September 4,
London. Dr. Weld to Bathurst. The necessary formalities having been gone through, he has now all that is requisite from Dr. Macdonell to act as his coadjutor. 647
- September 12,
Cold Bath Fields. Rolph to Wilmot Horton. Had called before leaving, but found him in the country. Thanks for his reception and for the exalted justice observed towards the feelings of the Canadian public. 521
- September 15, Strachan to Bathurst. Should the late Chief Justice Powell renew the complaint of his pretended grievance, he (Strachan) knows the circumstances and can give a satisfactory explanation, at the same time Maitland prefers there should be a full investigation. 573
- September 28,
London. Gourlay to the same. Calls attention to the words "the Reformer should take care of himself" Spoken by Bathurst eight years ago. Elaborate exposition of the benefits that might arise from a well directed system of emigration. 155
- September 30, Markland to Wilmot Horton. As the time for his sailing is near, refers to the subject of the situation of Receiver of the money from the Land Company. Dr. Strachan said that the attorney general was told by Bathurst that he had consented to him (Markland) receiving the appointment. Would it be sufficient if the attorney general repeated this and that Maitland approved? 211
- September 30, Galt to Wilmot Horton. It will be necessary to have something determined with respect to Canadian claims, so that on his arrival in Canada he may give a definite communication to parties interested. 106
- September 30, Markland to the same. Any letters sent on Tuesday would reach him at Cowes, where he embarks. 213

1826.

September —,
Downing
Street.

——to Maitland. The government have granted £12,000, in aid of constructing the La Chine Canal on condition of government vessels passing without toll. On the same terms government are willing to contribute to the Welland Canal at the same rate, that is one ninth of the cost, so that the contribution would be £16,360. Should the directors agree to this a provincial Act should be passed in which the company shall engage to construct the locks of the width of at least 22 feet. Page 70

Memorandum, signed G. B. for Wilmot Horton, respecting the Welland Canal. 72

October 4,
London.

Galt to Wilmot Horton. Official request for a definite determination respecting the claims of Canadian sufferers, with a history of the case. 107

Papers relating to claims for losses. 111 to 121

October 9,
Cold Bath
Fields.

Gourlay to Wilmot Horton. Thanks for sending emigration report; the ignorance it shows. Had turned to Hume when he despaired of government assistance but could not get him to understand and at last told him he should be impeached instead of Bathurst. How emigration could be made successful. 163

October 19,
London.

Greenwood, Cox & Co. to the same. Ask for a certificate that Maitland is alive and was in the execution of his office from 1st January to 30th June last. 87

October 20,
Cold Bath
Fields.

On the 4th of November, Greenwood, Cox & Co repeated the request. 88
Gourlay to Joseph Hume. Congratulates him on having used his opportunities well and asks him to take up the question of emigration. Asks his attention to the volumes sent and gives his reasons why he cannot proceed to Upper Canada as advised. 169

November 8,
York.

J. B. Robinson to Wilmot Horton (?) Repeats his minute respecting a Receiver for the money from the Canada Company, an office for which he recommends Markland. 322

November 10,
London.

Strachan to Bathurst. Has had the direction of Maitland and the Lord Bishop of Quebec to propose the sale of one half or two thirds of the clergy reserves in the Canadas and the grant of a charter under the Great seal constituting the clergy of Upper Canada a corporation to manage, &c., the said reserves. The sale would in a short time supply a fund yielding an interest sufficient at frugal salaries to support many more clergymen than at present, relieve Parliament from the annual vote for the society for the Propagation of the Gospel and remove the clamours against the clergy reserves. It would besides put an end to the disputes in Upper Canada raised by claims from adherents of the Church of Scotland. Members of the general assembly are satisfied with what has been done for their church. All the sectaries in Upper Canada are satisfied with the support given to the church of England, but feel indignant at the claims of the Scotch Church. The result to be anticipated from this feeling. 581

November 10,
London.

Same to the same. Has been directed by Maitland to call attention to the state of the King's Bench of Upper Canada. The physical disabilities of the judges; proposed retirement of Boulton, the appointment of an additional judge and the increase to the salaries would improve the state of the judiciary. Tables showing the financial effect of the changes; how the increase can be provided for. 575

November 16,
London.

The same to Wilmot Horton. Encloses draught of a bill to authorise the sale of a portion of the clergy reserves and of a charter to constitute the clergy of Upper Canada a corporation to manage, superintend and dispose of the said reserves. 585

Enclosed. Proposed bill for disposal of part of the clergy reserves. 586

Proposed charter of incorporation of the trustees of the clergy reserves in Upper Canada. 590

1826.
December 15, London. Freshfield to Wilmot Horton. Minute of the conversation that took place between them relative to the Land company and the nature of its engagements with government. Page 79
- December 19, London. Francis Gore to Bathurst. The situation of deputy superintendent general of Indian affairs being vacant, recommends Major Givins to succeed Claus. His seniority, acquirements and integrity will, he hopes, induce Bathurst to consider his claims. 89
- December 20, Brighton. Harvey to Hay. Does not know if Dr. Strachan has left England and transmits a letter to be forwarded to him, if he has, that his son has been appointed to an ensigncy. 187
- December 23, London. Strachan to Wilmot Horton. Had applied for the position of Bishop of Upper Canada, but as the division of the diocese was not thought expedient he was named Archdeacon. He has been virtually Archdeacon for more than two years, but has received no salary nor does he claim any as it was not voted in 1824 and 1825. It is voted in 1826 and he, therefore, is entitled to payment. His income does not cover his expenditure. 620
- December 27, London. Same to Bathurst. In event of the death of Claus, recommends that Givins shall succeed to the office. 622
- December 29, London. Same to Wilmot Horton. Sends copy of his letter to Bathurst recommending Givins. 624
- December —, Maryborough. Bridget Fowles to the Colonial Office. Submits her claim to the property of her late uncle, who died in Upper Canada, leaving his property to his nearest heirs. 77
- No date. Rolph to Wilmot Horton. Explains in detail the proceedings in the House of Assembly in respect to the resolutions regarding the civil status of aliens. Defends himself and his friends from charges of disaffection insinuated against them. 330
- Enclosed. Resolutions on the alien question, 30th December, 1825. 352
- Address to the King by the House of Assembly on the subject of the resolutions. 371
- Messages and other documents on the subject of civil rights; with copy of the bill to quiet titles. 389
- Amendments made in the House of Assembly. 399
- Other documents on the subject. 404 to 456
- Continued in part III. to page 505
- Hull. C. Wilson to Wilmot Horton. States his claim for service rendered. Has a grant of 350 acres of land in Upper Canada which he was obliged to leave from ill health. Asks for £10 to enable him to pay the passages of himself and wife to Quebec, when he can meet with the help of friends to take him to London. 644
- (The letter is simply dated "Monday 15th, with no month)."
- Joint address from the legislative Council and Assembly of Upper Canada conveying thanks for the liberal footing on which the commerce of Upper Canada has been placed. 649
- Adderly to Rev. James Crowley. The letters of recommendation have not yet arrived. Asks him to try to detain the ships, so that he may obtain them and see the Bishop, as he would consider it unfortunate if he should not obtain them or see him. Sends good wishes and approbation of his conduct. 66
- Memorial of Marcus Dill, M.D., for a grant of land in Upper Canada, on account of his own services and for an additional grant on the ground that his wife is a daughter of a U. E. Loyalist. 74
- Grenville to Wilmot Horton. Gives this letter to Col. Keating, who wishes to introduce Capt. O'Connor, R.N., for the purpose of bringing his professional services under consideration. 84

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1826.
No date.

Prospectus of an "Appeal to the British Nation" by Robert Gourlay, Esq., now and for the last nineteen months confined in the House of Correction, Cold-Bath-Fields. Page 150

Strachan to Wilmot Horton. As the endowment for the University of Upper Canada may require some years to make it available, has been advised to solicit a grant of £2,000 to £3,000 for a few years. As Upper Canada is no longer a burden for its civil establishment the request is not unreasonable. Thinks if he had access to Lord Liverpool and the Chancellor of the Exchequer he could prevail on them to accede to such a grant. The remainder of the analysis of the report on emigration is now copying, the work of condensing the evidence will be more laborious than difficult. 618

Memorandum by Strachan of matters to be attended to. 625

Memorial of Baby, Inspector General, for an increase of his salary with a recommendation signed J. S. (John Strachan?). 627

LT. GOV. SIR P. MAITLAND, 1827.

Q. 344-1.

1817.

November 30.
Downing
Street.

Bathurst to S. Smith.

1818.
April —,
York.

Report by J. B. Robinson on the effect of carrying out instructions respecting aliens. Both enclosed in Maitland to Bathurst, 3rd March, 1827.

1821.
January 23,
Downing
Street.

Goulburn to Maitland. Enclosed in Maitland to Bathurst, — March, 1827.

1826.
August 31,
Downing
Street.

Bathurst to Maitland (extract). Enclosed in Maitland to Bathurst, 3rd March, 1827.

September 30,
Downing
Street.

The same to the same.

November 11,
St. Catherine's

Report of directors of the Welland Canal Company. Both enclosed in Maitland to Bathurst, 12th March, 1827.

December 10,
Ottawa.

Duncan McDonell (paper B) to William Dunlop. Enclosed in Maitland to Bathurst, 21st June, 1827.

December 18,
York.

Report of the directors of the Welland Canal Company.

December 21,
York.

Hillier to Dunn. Both enclosed in Maitland to Bathurst, 12th March, 1827.

December —,
York.

Maitland's message to the Assembly. Enclosed in Maitland to Bathurst, 3rd March, 1827.

1827.
January 1,
York.

Galt to Hillier. Enclosed in Maitland to Bathurst, 23rd February. The answer from Hillier of same date, also enclosed.

January 16,
York.

Bishop Macdonell to Hillier. Enclosed in Maitland to Bathurst, 2nd April, 1827.

February 10,
York.

Maitland to Bathurst. Has sent a bill to cover advance made by Gordon to Lieutenant McGregor. Explanations in reference to McGregor's case; has been induced from the circumstances to restore his pension. Page 1

Enclosed. Memorandum of the cost of a bill of exchange on London, for £101 19s. 2d. 7

1827.

- Petition of Lieutenant McGregor, giving further information respecting the powers of attorney and other matters relating to his pension and praying for its restoration. Page 8
- February 22, York. Maitland to Bathurst. Sends note of the average price of grain in the markets of York and Kingston. 18
- February 23, York. *Enclosed.* Statement of the average price of grain. 20
- Maitland to Bathurst (No. 2). Application has been made by Galt, on behalf of the Canada Company for the appointment of Ridout, to be one of the Commissioners, but he neither states the duties nor the remuneration. From Ridout's long and faithful services, he deserves commendation, but he (Maitland) does not regard, the plan as advantageous to Ridout. If the services are responsible, the remuneration is too small. If they are not, any one else could execute them and relieve Ridout of the necessity of withdrawing from his duties, which require constant care. 21
- Enclosed.* Galt to Hillier, 1st January, 1827. Suggests that Ridout be allowed to become a commissioner for the land company and to accept a regular salary. 24
- Hillier to Galt, 1st January. Has laid Galt's letter before Maitland, who will transmit it to Bathurst. Points out obstacles to the appointment, although he would wish to see some arrangement by which Ridout could be benefited. 26
- February 24, York. Maitland to Bathurst (No. 3). Transmits petition from Mason, schoolmaster. Presumes he now urges his pretensions from his allowance having been continued to Halliday. The difference in the cases of the two men in respect to their appointments. 29
- Enclosed.* Memorial of Robert Mason, schoolmaster, for the continuance of his allowance. 31
- March 1, York. Maitland to Wilmot Horton. Calls attention to the necessity of a revision of the warrant in favour of Wells to be a member of the Executive Council. Owing to the deaths of Messrs. Smith and Claus, there is a claim to succeed them on the part of Robinson and Markland. Asks for mandamus for each of them, as Executive Councillors and one to Macaulay as a supernumerary councillor. Lieutenant colonel Wells would decline the office, were it not that it might be considered as disrespectful to government. He (Maitland) has assured him that he would take all risk of that. 34
- Enclosed.* Mandamus appointing Wells an Executive Councillor. 37
- March 2, York. Maitland to Bathurst. Had received intimation that government intended to contribute to the Welland Canal, on condition of obtaining the free use of it. The thanks of the directors returned for this timely help. Sends copy of a proposed bill to secure the conditions of the intended grant. Asks for instructions respecting the paying over of the grant. 39
- Enclosed.* J. H. Dunn, president of the Welland Canal Company to Hillier. The grateful feelings of the Board for the generous patronage extended to the Canal Company by government; the conditions accepted, but an enactment will be necessary to secure the execution of them by the company. 41
- Act to enable the president and directors of the Welland Canal Company to accept aid from government and to secure to His Majesty the free use of the canal. 43
- March 3, York. Maitland to Bathurst (No. 5). Refers to His Lordship two bills passed by the legislature; one for conferring naturalization is necessarily reserved; the other to confirm titles to real estate derived through aliens. The desire of some to have the bill but it has been opposed by others. There is no material variance between the bill and the one contemplated by His Lordship as best calculated to afford the protection

1827.

desired. As he is desirous to see this question set at rest, he hopes the bill will be assented to. The efforts making to prejudice the minds of the people against the bill. Remarks on the provisions of the bill at considerable length. Page 46

Enclosed. Naturalization bill reserved for the Royal Assent. 63

Message from Maitland with an extract from dispatch relative to aliens. 77

Extract from dispatch relative to an Act respecting the naturalization of alien. 78

from inhabitants of Johnstown district, praying to be naturalized. 84

Bathurst to S. Smith, administrator, 30th November, 1817. Explains the nature of the instructions for preventing aliens from holding lands, except under conditions pointed out. The error on the part of the legislature in considering that the taking the oaths of allegiance and of intention to reside and settle would entitle an American citizen to hold lands in the province, a seven year's residence being in addition an indispensable condition of being entitled to hold lands. It was to enforce that provision at the close of the war that it was thought necessary to call the attention to it of the provincial government. 86

Report of the attorney general (J. B. Robinson), April, 1818, on the subject of carrying out the instructions from Bathurst in respect to aliens holding land. 90

Proclamation enclosed in the immediately preceding letter, relative to aliens holding lands. 98

Proposed Act respecting aliens with marginal observations on the different clauses. 101

Remarks by the attorney general on the reserved bill to confirm British subjects in their titles to real estate in this province (Upper Canada) derived through aliens. 121

Maitland to Bathurst (No. 6). Sends engrossed copies of the Acts passed at last session of which five were reserved. Remarks on bills on which report from the attorney general is transmitted. 124

Enclosed. Report by attorney general on two reserved bills. 127

Goulburn to Maitland, 23rd January, 1821. Bathurst desires to have reasons why the Act to increase the representation in the Assembly was passed. 129

Maitland to Bathurst (No. 7). Transmits address from the district of Newcastle expressing thanks for the emigrants sent in 1825. 131

The same to the same (No. 8). Has prorogued the session; sends copy of his speech. 133

Enclosed. Copy of speech on prorogation. 134

Maitland to——. Has received copy of report and evidence before the Emigration Committee which he had placed in the hands of Robinson, Talbot and others who might offer good suggestions. His sense of the importance of the scheme. The evidence and report show that the pecuniary demand on Parliament is the only obstacle to the system being made permanent. The measure is very popular and only in the Assembly have the intentions of government been called in question, a Capt. Matthews affirming that the object of sending out settlers was to assist the local government in keeping down the older inhabitants. Robinson has charge of this letter, who can give full information. 138

Enclosed. Remarks and suggestions as to the manner in which emigration might be conducted; encouragement should be held out to a better class than the usual emigrants to become settlers, the assistance to be regulated by their rank in society and their circumstances. 142

Galt to Maitland. Enclosed in Maitland to Bathurst, 21st June.

March 5,
York.

March 5,
York.

March 6,
York.

March 7,
York.

March 7,
York.

March 10,
York.



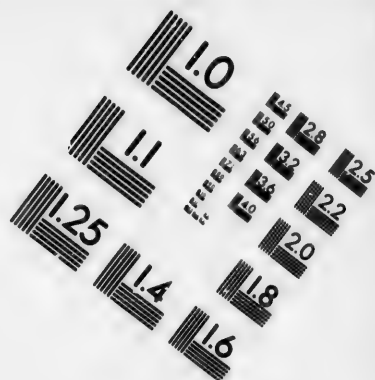
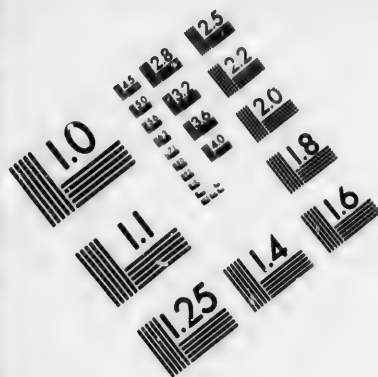
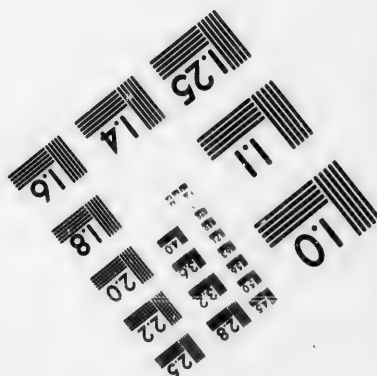
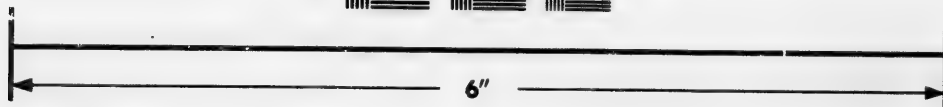
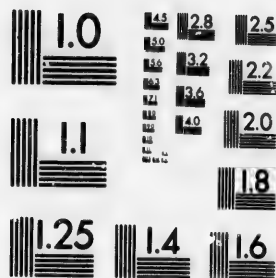


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1827.
March 12,
York.

Maitland to Bathurst. Transmits letter from the Welland Canal company, asking if the £90,000 spent and £75,000 available for the Welland Canal is not sufficient security for government to borrow for the company £50,000 sterling to complete the work. The colonial government has lent £23,000 and is to take stock to the amount of £50,000, which shows the confidence in the undertaking. Page 146

Enclosed. Dunn, President of the Welland Canal company to Hillier. States the progress made in construction and the amount required to complete the work. 148

Report of the president and directors of the Canal company. 156

At the end is a note, dated 21st December, 1826, from Hillier to Dunn, transmitting letter from Bathurst. 186

Bathurst to Maitland, 30th September, 1826. Government will afford the same rate of assistance to the Welland as it did to the La Chine Canal, that is one ninth of the estimated cost on the same conditions, that all boats and vessels with public stores be allowed to pass without paying toll. 187

Engineer's report, names of the contractors, etc. 189, 192

Maitland to Wilmot Horton. Sends abstract of returns of the average price of wheat and other grain in York and Kingston. 193

Enclosed. Statement. 194

Ridout to Hillier. Paper C. enclosed in Maitland to Bathurst, 21st June. 195

Maitland to Bathurst (No. 10). Transmits abstract from the docket books of the auditor of land patents, from 1st January to 31st December, 1826. 196

ABSTRACT from the Auditor's Docket Books of grants of land which have passed the Great Seal of the Province between the 1st day of January and the 31st day of December, 1826, inclusive. Shewing the number of Grants of each Class made in each District, and the gross number of acres granted. 197

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Home.....	County of York.	2	50	100	8,550	63	19,934½
		37	100	3,700			
		1	150	150			
		23	200	4,600			
	Town of York. ...	1	½	½	½	1	
	County of Simcoe.	4	50	200	11,384	50	
		15	100	1,500			
		21	200	4,200			
		1	300	300			
		1	342	342			
		1	383	383			
		1	400	400			
		1	455	455			
		2	500	1,000			
		1	800	800			
		1	804	804			
		1	1,000	1,000			

1827.

ABSTRACT from the Auditor's Docket Books of grants of land—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Eastern	Town of Cornwall.....	1	1	1	1	1	653
	County of Glengary.	1	100	100	100	1	
	County of Dundas.....	1 1	152 200	152 200	352	2	
	County of Stormont.....	1	200	200		200		1
Ottawa.....	County of Prescott... }	6	50	300	7,699	21	18,910
		6	100	600			
		6	200	1,300			
		1	299	599			
		1	300	300			
		1	5,000	5,000			
	County of Russell.	7	100	700	11,211	25	
		1	176	176			
		8	200	1,600			
		2	300	600			
		1	310	310			
		1	325	325			
		1	500	500			
		2	800	1,600			
		1	1,200	1,200			
		1	4,200	4,200			
Johnstown....	County of Grenville. ... }	1	6	6	2,474	11	4,861
		1	68	68			
		2	100	200			
		4	200	800			
		1	300	300			
		1	500	500			
		1	600	600			
	County of Leeds.	1	30	30	2,387	18	
		3	40	120			
		7	100	700			
		5	200	1,000			
Bathurst.....	County of Carleton....	1	237	237	1,935	7	14,979½
		1	300	300			
		2	100	200			
		1	185	185			
		1	200	200			
	Town of Perth }	1	250	250	3½	5	
		1	500	500			
		1	66½	660			
	County of Lanark.	2	½	1	13,041	136	
		2	1½	1½			
		1	1	1			
		16	25	400			
		1	75	75			
		1	82	82			
		110	100	11,000			
1		124	124				
1		125	125				
1		135	135				
4	200	800					
1	300	300					

1827.

ABSTRACT from the Auditor's Docket Books of grants of land—*Con.*

Districts.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.			
Gore	County of Halton.	1	$\frac{1}{2}$	$\frac{1}{2}$	15,991 $\frac{1}{2}$	104	15,991 $\frac{1}{2}$			
		1	$\frac{1}{2}$	$\frac{1}{2}$						
		1	$\frac{1}{2}$	$\frac{1}{2}$						
		1	15	15						
		2	50	100						
		54	100	5,400						
		38	200	7,600						
		1	275	275						
		1	300	300						
		3	500	1,500						
1	800	800								
Newcastle	County of Durham.	18	50	900	12,857	50	22,473 $\frac{1}{2}$			
		20	100	2,000						
		7	200	1,400						
		1	221	221						
		1	600	600						
		1	800	800						
		1	2,833	2,833						
		1	4,103	4,103						
	County of Northumberland	5	50	250	9,608	53		22,473 $\frac{1}{2}$		
		1	75	75						
		23	100	2,300						
		1	125	125						
		1	128	128						
Town of Peterborough.....	16	200	3,200			22,473 $\frac{1}{2}$				
	1	230	230							
	2	500	1,000							
	1	600	600							
	1	700	700							
	1	1,000	1,000							
	1	1,000	1,000							
Town of Belleville.	1	$\frac{1}{2}$	$\frac{1}{2}$	8 $\frac{1}{2}$	7		22,473 $\frac{1}{2}$			
	2	$\frac{1}{2}$	$\frac{1}{2}$							
	1	$\frac{1}{2}$	$\frac{1}{2}$							
	2	1 $\frac{1}{2}$	3							
	1	2	2							
Midland	Town of Belleville.	6	$\frac{1}{2}$	3	3			6	7,011	
	County of Frontenac.	1	200	200	2,637	3		7,011		
		1	637	637						
		1	1,800	1,800						
	County of Hastings.	8	100	800	3,800	22				7,011
		13	200	2,600						
		1	400	400						
	County of Lennox and Addington..	1	100	100	260	2					7,011
		1	160	160						
	Town of Adolphustown	1	10	10	10	1	7,011			
Town of Fredericksburgh...	1	1	1	1	1	7,011				
County of Prince Edward	1	100	100	300	2			7,011		
	1	200	200							

—Con.

1827.

ABSTRACT from the Auditor's Docket Books of Grants of Land—Con.

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.	
Western	Town of Amherstburgh {	1	sq. ft. 8,228	sq. ft. 8,228	sq. ft. 8,228	1	22,739	
							
	County of Essex.. {	1	72	72	8,320	19		
		1	100	100				
		1	112	112				
		1	144	144				
		1	238	238				
		2	268	536				
		1	275	275				
		1	276	276				
		1	280	280				
		1	281	281				
		1	290	290				
		1	343	343				
		1	354	354				
		1	435	435				
		1	600	600				
		1	800	800				
		1	1,000	1,000				
		1	1,600	1,600				
	County of Kent.. {	1	50	50	14,419	71		
		1	80	80				
		14	100	1,400				
		48	200	9,600				
		1	249	249				
		1	300	300				
1		400	400					
2		500	1,000					
1		540	540					
1		800	800					
London.	County of Middlesex.. {	2	50	100	9,014	60	14,014	
		30	100	3,000				
		1	164	164				
		25	200	5,000				
		1	250	500				
		1	500	500				
	County of Oxford.. {	16	100	1,600	3,600	26		
		10	200	2,000				
	County of Norfolk.. {	4	200	800	1,400	5		
		1	600	600				
Total					776 141,566½ and 8,228 sq. feet.			

Errors excepted.
Auditor Generals' Office.

S. HEWARD,
Auditor General U.C.

RECAPITULATION of the within Grants of Land.

What Description of Grants.	Number of Grants.	Number of Acres.	Grants to Sons and U. E. L.	Grants to Surveyors.	Grants to the Militia.	Full free grants.	Grants of Military Claimants.	Gratuitous Grants.	Grants to Provincial Seamen.	Grants where fees are suspended.	Grants where $\frac{1}{2}$ fees only paid.	Grants where Stationery only is paid.	Observations.
Grants under 100 acres	93	3,051 $\frac{1}{2}$	2	8	87	22	6	40	1	22	7	1	
" of 100 acres	355	3,550			116	6	1	12		123		1	
" over 100 acres and under 200 acres	13	1,880			4	58	3	4		4	4	2	
" of 200 acres	237	47,400	155	2	1	12				5		4	
" over 200 acres and under 300 acres	16	4,187	1	1	1	1	1			1			
" of 300 acres	9	2,700		5	1	1	1			1			
" over 300 acres and under 400 acres	6	2,057		1	1	1	1						
" of 400 acres	3	1,200				1	2						
" over 400 acres and under 500 acres	2	880		2									
" of 500 acres	13	6,500		1	6	1	1	1		1	2		
" over 500 acres and under 600 acres	2	1,124		1	1	1							
" of 600 acres	6	3,600		2	1	3							
" over 600 acres and under 700 acres	1	637		1									
" of 700 acres	1	760											
" over 700 acres and under 800 acres	7	5,600			4					2	1		
" of 800 acres	1	804		1	1								
" over 800 acres and under 900 acres	3	3,000		2	1								
" of 900 acres	3	3,000		5						1			
" over 900 acres	7	20,736						1					
" over 1,000 acres													
Grants under 1 acre in sq. feet.	775	141,566	158	31	101	223	14	58	1	160	19	8	
	1	* 8,228											
	776	141,566 + 8,228											

* Square feet. + Square feet.
(NOTE.—The additions do not agree with the details).

S. HEWARD.
Auditor General U. C.

Q. 344

1827
March 30
York.April 2,
York.

April 7.

April 9,
York.April 10,
York.April 17,
York.April 18,
York.

1827.
March 30,
York.

Maitland to Bathurst (No. 11). The Governor in chief has proposed that the lieutenant governor and chief justice of Upper Canada and Dr. Strachan resign their respective offices of trustee for the Royal Institution in Lower Canada to make room for other appointments. He would have agreed, as the duties of the Upper Canadian trustees were only nominal, but finds that the appointments were made by his (Bathurst's) instructions, so that he had deferred his consent till he has received His Lordship's command. Page 206

Enclosed. Dalhousie to Maitland, 3rd February, 1827. An arrangement is in progress to remodel the Board of the Royal Institution, by adding a sufficient number of Catholics to admit of the formation of a Roman Catholic committee, equal in number to the Protestants now on the Board for the exclusive superintendence of Roman Catholic schools. The Roman Catholics had refused to countenance measures for general education from jealousy of the preponderance of the Protestants on the Board. They are now willing to join under the arrangement for equalizing the members and he has been recommended to apply to him to resign his nominal seat on the Board and to obtain the consent of the chief justice to the same. The Bishop undertakes for Dr. Strachan that he should do so. 208

Answers of the same tenour as the letter to Bathurst of 30th March. 211

Other correspondence on the same subject. 213, 215

April 2,
York.

Maitland to Bathurst (No. 12). Has received application from the Roman Catholic Bishop of Upper Canada for an addition to the £750 for an allowance to schoolmasters. Cannot recommend an addition as that would lead to a similar application from the Kirk of Scotland. A portion of the present allotment to Roman Catholics might be applied to the support of schoolmasters to be certified to by the Bishop. 217

Enclosed. Bishop Macdonell to Hillier. Has no objection to be security for the good behaviour of such priests as he may appoint, but if he should discover any to be unworthy, he may claim His Excellency's support in his dismissal. Applies for an allowance for Roman Catholic school masters. 220

April 7.

Galt to the directors of the Canada Company. *Enclosed* in Maitland to Bathurst, 11th June. 224

April 9,
York.

Maitland to Bathurst (No. 13). Sends abstract of dispatches to the colonial department during 1826 from 1 to 49. 224

The abstract follows (not paged).

April 10,
York.

Maitland to Bathurst (No. 14). Has received notice of application from de Farcy (Farcey before) for land assigned to him. As it has not been otherwise appropriated, the necessary patents shall issue. 227

April 17,
York.

The same to the same (No. 15). Sends copy of address from the district of Newcastle on the subject of the bill for the naturalization of foreigners. The change in favour of the bill which is taking place in the community. The hostility created by the misunderstanding of its nature. 229

Enclosed. Address from the district of Newcastle expressing satisfaction at the passing of the bill to naturalize aliens. 232

Answer to the address. 234

April 18,
York.

Maitland to Bathurst (No. 16). In reference to application from the eastern part of the province for the establishment of an academy for naval and military education, the provisions are liberal, so that he cannot entirely assent to all the reasoning of the petitioners, but should government have conceived an intention of entertaining the application favourably, he will view with satisfaction the establishment of any institution tending to benefit the youth of the province. 238

1827.
April 23,
York.

Maitland to Bathurst. Has been requested to support the application for a provision to Mrs. Claus. Had already reported on the merits of Claus; his widow and family are left in circumstances of great difficulty and distress. Page 241

April 30,
York.

Observation (paper E) by Galt on the surveyor general's letter to Hillier. Enclosed in Maitland to Bathurst, 21st June.

May 3,
York.

Galt to Hillier. Enclosed in Maitland to Bathurst, 11th June.

May 4,
York.

Galt to Maitland (paper D). Enclosed in Maitland to Bathurst, 21st June.

May 14,
York.

Maitland to Wilmot Horton. Sends abstract of the return of the average price of wheat and other grain in the markets of York and Kingston. 243

Enclosed. Return. 245

May 14,
York.

Hillier to Galt.

May 18,
York.

The same to the same. Both enclosed in Maitland to Bathurst, 11th June.

May 22,
York.

Maitland to Bathurst. An address of condolence on the death of the Duke of York, signed by 3,305 inhabitants of Upper Canada, transmitted to be laid at the foot of the throne. Lieut. Col. McGregor of the 7th regiment will deliver the dispatch and address. 246

Enclosed. Address. 248

May 29,
York.

Hillier to Galt (paper F). Enclosed in Maitland to Bathurst, 21st June.

May 31,
York.

Maitland to Bathurst (No. 17). Sends six copies of Acts passed last session. 252

June 9,
York.

Galt to Hillier (paper G). Enclosed in Maitland to Bathurst, 21st June. 258

June 11,
York.

Maitland to Bathurst (No. 18). His desire to support the Canada Company, the necessity of making all correspondence with Galt official, so as to diminish the occasion of future disagreement. 254

Enclosed. Galt to Hillier, 3rd May. Transmits application for a portion of the Burlington Bay peninsula. Shall be glad to obtain the three or four acres wanted as many connected with the company are not satisfied at the opposition to its interests shown by influential persons in the province. Had seen no cause to be of that opinion, but thinks the directors should be frankly communicated with. For want of this, shares have fallen, but in this he has no personal interest. It is likely that he shall remain in the country practically to contradict falsehoods which betray total ignorance of his character. 258

Hillier to Galt, 14th May. Has laid application for grant of land at Burlington Bay and letter of 3rd instant before the lieut. governor. The application shall be referred in the ordinary manner to the Executive Council. The opinion that the provincial government is unfairly opposed to the Company must have arisen from misrepresentation and can remain only so long as the directors are ignorant of the truth. His Excellency believes that whatever political influence the directors possess it is not likely to be exerted against the colonial administration. From his (Galt's) letter, it is considered desirable that all communications whether marked public or private should be transmitted to the Secretary of State to be communicated to the Company. 261

Galt to Maitland, 16th May, 1827. Has received letter from Hillier the tenour of which surprised him. Desires to have the means afforded him of estimating the justice of the opinion as to misrepresentations. The desire to make all correspondence official is in unison with his wishes. He had transmitted through His Excellency's hands duplicates of every dispatch sent to the directors. Had only noticed public measures once

June 13,
York.

June 21,
York.

1827
June 26,
York.

1827.

and that was from New York. Sends copy of whatever was said. His own private situation has not been an agreeable one, how he is watched on his visits, correspondence and conversation. Page 264

Remarks on the feeling respecting the bill for the naturalization of aliens. In many respects it is really a legal boon. 267

Hillier to Galt, 18th May. In reference to his letter to His Excellency, if the directors of the company entertain the erroneous impressions described, they must have received them from misrepresentation. His Excellency does not know that they proceeded from him (Galt) or he would have referred to them as accounting for the fact. His Excellency does not wish to restrain him from making use of communications from the government, or of officers writing from the government, observing the usage which prevails in respect to official correspondence. He does not desire to authorise or control any other communications from individuals. 268

June 13,
York.

Maitland to Bathurst (No. 19). The Six Nation Indians have signified their desire that John Claus should succeed his father as their trustee; the bills for their dividends will be drawn in the usual way; asks that they be duly honoured. 271

June 21,
York.

The same to the same (No. 20). Sends correspondence respecting propositions of the secretary of the Canada Company. (1.) Respecting the dilapidation of the land marks which makes it impossible in some cases, to ascertain the boundaries of the Crown reserves. The surveyor general reports that the townships referred to were surveyed like those in the rest of the province and the government could not have prevented the dilapidation complained of; to replace the marks little short of a re-survey would be necessary at an expense for each township of from £300 to £500. In ordinary cases the expense is met by the persons concerned. But in this case there is a contract and the purchaser may have a right to have his purchase conveyed to him without doubt or difficulty. Until he has instructions, therefore, he shall allow the work to proceed, having intimated that he has consulted the Secretary of State. Other propositions respecting the reserves. 272

Enclosed. Schedule of papers sent with immediately preceding dispatch. (The papers follow). 280

A. Galt to Maitland. Containing propositions relative to Crown reserves erroneously returned to the Canada Commissioners as vacant and other propositions.

B. An enclosed document respecting obliterated land marks.

C. The surveyor general's remarks on the foregoing.

D. Galt to Maitland. Thanks for the communication of the surveyor general's remarks.

E. Observations by Galt on the surveyor general's letter of 17th March.

F. Hillier to Galt. Answer to the propositions contained in Galt's letter of 10th March.

G. Galt to Hillier in answer to letter of 29th May.

LT. GOV. SIR P. MAITLAND, 1827.

Q. 344-2.

1827.
June 26,
York.

Maitland to Bathurst (No 21). Applies for a special grant to Crysler for his services in the militia, as he does not belong to the class of militia to which the provincial government is authorised to make grants. He is the proprietor of the estate that gives the name to one of the most spirited actions of the late war. Page 318

1827.

June 28,
York.July 7,
Rideau Canal.July 16,
York.July 16,
York.July 16,
York.July 18,
York.July 13,
Stamford.July 23,
York.July 31,
York.

Enclosed. Petition of Cryaler,
Certificates in favour of Cryaler.

Maitland to Bathurst (No 22). There being vacancies in the legislative Council from casualties, recommends the appointment of Peter Robinson, Charles Jones and James Gordon.

By to Maitland. Enclosed in Maitland to Goderich, 22nd October, 1827.

Maitland to Bathurst (No 23). Transmits memorial from the British Wesleyan Methodists in Canada. The extraordinary arrangement between the British Wesleyan conference and the Methodist preachers of the United States to have Canada set apart as a field of labour for the latter. The propriety of a change. A pecuniary grant has been made for the support of a limited number of clergymen of the church of Scotland; the Roman Catholic Bishop and clergy have a provision to the same amount. A small allowance in the present instance would justify its application. He would do nothing to lessen the provision for the established church, but the Wesleyan Methodists do not share the same jealousies towards it that other sects display.

Enclosed. Petition of the British Wesleyan Methodists of Canada. Their desire to have additional preachers from the British Wesleyan conference. Apply for pecuniary (or other) assistance.

Extract from the minutes of the British Wesleyan missionaries at their district meeting, Montreal, 18th May, 1827. The desirableness of extending missionary efforts to Upper Canada. Hostility shown by preachers from the United States one principal cause why the missions were not better supported, now that feeling is changed and a union could easily be effected; the two bodies should be united under the jurisdiction of the British conference.

Maitland to Goderich. Has received circular notice that he (Goderich) has received the seals of the Colonial department.

Maitland to Wilmot Horton. The sum of £80 has been repaid to Captain Spilsbury and seven of his followers on their becoming settlers. The widow of Richard Farmer solicits the repayment of her husband's deposit, she having remained and settled in the colony.

Enclosed. Bill of exchange for £10.

Affidavit of Widow Farmer.

Receipt for £10.

Maitland to Wilmot Horton. Sends abstract of the average price of wheat and other grain at York and Kingston for May and June last.

Enclosed. Abstract.

Maitland to Wilmot Horton. Has received no further instructions as to payment of official salaries; has, therefore, given the usual certificates of service to enable the officers to draw for their salaries.

Same to Goderich (No 25). A grant of 2,000 acres has been ordered for Dr. Strachan; his agent has applied for the grant to be made from lands withheld from general settlement; compliance recommended by the Council but as a portion has been reported as available for sale for public purposes, submits the recommendation for approval.

Enclosed. Memorial of Dr. Strachan for leave to select the lands granted.

List referred to in preceding memorial.

Maitland to Goderich (No. 26). The Receiver General has reported that Galt, agent for the Canada Company, has been directed to pay the amount payable by the company, into the hands of the proper officer in Upper Canada to defray the Civil List. No order has been received by the provincial government and bills had been drawn for salaries before

Page 320

322-323

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1827.

Galt communicated the directions sent him. Asks that these bills be protected to save inconvenience and the enormous expense of protests. Page 353

August 4,
York.

Maitland to Goderich. Transmits petition from William Lindsay to have the assent withheld from a bill to confirm the titles to estates derived from aliens, but cannot recommend that its prayer be complied with. 355

Enclosed. Memorial from William Lindsay, stating the circumstances of claim arising out of land derived from his wife's uncle, which he is afraid may be taken possession of should the bill relating to aliens pass, and praying that it be not assented to, as the bill might defeat his wife's claim. 357

Report of J. B. Robinson, attorney general, on the petition of W. Lindsay. 361

August 21,
Queenstown.

Maitland to Goderich. Applies for leave of absence. 366

August 28,
Queenstown.

Same to the same. The bills respecting aliens were introduced by instructions from the Secretary of State and were satisfactory to the whole community. The disappointment at their being rejected. States at great length the reason for the introduction of the bills, &c. 367

September 5,
Queenstown.

Same to the same (No. 28). Submits petition from the Roman Catholic Bishop of Rhesina; desires it to be understood that he only transmits it for consideration. 388

Enclosed. Petition from Bishop Macdonell for an addition to his salary, as owing to the influx of Irish emigrants his present allowance does not cover his travelling expenses. 390

September 6,
York.

Maitland to Goderich. Sends return of the average price of wheat and other grain at York and Kingston for July. 394

Enclosed. Return. 395

September 24,
Queenstown.

Maitland to Wilnot Horton. Understanding from Givins having procured no recommendation from him (Maitland), that that omission has been interpreted to his disadvantage, now sends a strong testimonial in his favour, the want of it previously having arisen from Givins not applying through modesty. 396

Enclosed. Givins to Maitland, 20th September. Had applied for the office of deputy superintendent general of Indian affairs left vacant by the death of Claus. The arrangement made by Dalhousie. Bathurst ordered his appointment but it was not given on account of two charges; one, of his intemperate habits, the other, that he has not Maitland's recommendation. The evidence disproves the first charge; the reason he had not applied to Maitland for a recommendation. His mortification at the charges made against him. 398

Memorial by Givins for the appointment to succeed Claus. 403

Extracts of letters from Darling to Givins and from Hillier to Darling. 406

October 2,
York.

Maitland to Goderich. Has received instructions on the subject of the naturalization of foreigners. The embarrassment caused by the change of policy. How the loyal settlers would regard the country in time of danger being left to legislators who contend for the restoration of double allegiance; whereas the councils of the mother country are closed against naturalised subjects. How some of the leaders of the opposition in the legislature behaved during the late war and at its close received a large grant from the United States as a bounty for their treason. Having expressed his sentiments he has done all he is called upon to do, but he has found it impossible to do less. 411

October 17,
York.

Same to the same (No. 29). Has received from the agent to the Canada Company copies of communications addressed to His Lordship and Wilnot Horton, on the subject of settlers brought from La Guayra,

1827.

which show the steps taken by the Canada Company with regard to them. Remarks on the low price at which the lands were transferred to the company and their payments were the only resource for the support of the civil government. If the company are to be allowed to make the demands for such expenditures as they propose, there will be no certainty in any estimate founded on the contract. Recommends that this proposal be not allowed, so that it cannot form a precedent for similar applications. These settlers were intended for Nova Scotia but were stopped at New York by the company and brought to Upper Canada to be kept there at the public expense, that they may become purchasers of the company's land at a price more than treble that paid by the company. The unfairness of the proposal that the colony is to pay for the maintenance of settlers to obtain purchasers for the company's lands.

Page 420

October 22,
York.

Maitland to Goderich (No 31). Transmits letter from By; as the islands in the lakes and rivers are reserved it is necessary he should transmit By's suggestion. Thinks it should be adopted.

430

Enclosed. Ry to Maitland. Transmits application from J. Ferguson, for the lease for 30 years of Green Island above the Rideau Falls which by throwing a dam across the Rideau to the government land would form a valuable mill site. Recommends that Ferguson's proposal be agreed to and that he (By) be allowed to lease land for mill sites for 30 years at a pepper corn rent; their great value afterwards. Is sorry that the Master General and Board of Ordnance had decided to restrict the locks on the Rideau to the size of those on the La Chine Canal. Sends progress report up to 1st July. Hopes that the October report will show every work on the line begun.

432

October 26,
Amherstburg.

Rector and Churchwardens, Amherstburg, to Hillier. *Enclosed in*

October 30,
York.

Maitland to Huskisson, 22nd November. Transmits memorial from Lient. Col. O'Hara on the retired list of the Portuguese service; recommends the application.

425

Enclosed. Memorial.

427

November 19,
York.

Maitland to Huskisson. Has received instructions as to the arrangements for corresponding with the Colonial office, which he shall carry out.

436

November 19,
York.

The same to the same. Has received dispatch that he (Huskisson) has been given the seals of the Colonial department.

438

November 22,
York.

The same to the same (No. 32). In reference to dispatch from Goderich of 29th June last, respecting the application from the rector and churchwardens of Amherstburg for aid to finish the church; sends letter further explanatory of the subject which he hopes may induce compliance with their prayer.

440

Enclosed. Rector and churchwardens, Amherstburg, to Hillier. Explain the grounds of their request for aid to finish the church, the accommodation for the troops, &c.

442

December 15,
York.

Maitland to Huskisson. (Private and confidential.) The importance attached by the Imperial government to Canada. The present critical state of affairs and expectations of measures which may be highly favourable or the reverse for the future state of the colony. The source of revenue and the nature of the expenditure. The importance of suggestions made by the legislature of which he transmits address. Sends also printed copy of the legislative report respecting the apportionment of the duties between Upper and Lower Canada. The new conditions in the commission of the judges for the Cape of Good Hope. The importance of preserving the independence of the judges. The security of character in England of men selected to be judges, but it is different in the colonies where lawyers in good practice will not accept a seat on

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York.

1827.

the Bench, so that the character and disposition of these men are little known, and he might yield to the temptation to become a violent demagogue. If so, it would be impossible to remove such a man by a vote of the Assembly whose champion he had become. Instance given of the last judge but one sent from England who had taken this course and kept the province in an uproar. Further respecting his course. Discusses the question of the clergy reserves at considerable length.

Page 445

Enclosed. Maitland to Bathurst. Long and detailed argument to show that only the Church of England was entitled to the benefit of the clergy reserves.

475

Report of the committee on the financial relations between Upper and Lower Canada.

495

Appendix B, commissioners from Upper Canada on the circumstances that have occurred for investigating the claims of Upper Canada with the commissioners appointed for the province of Lower Canada.

546

General statement of dutiable articles imported into Quebec from 1817 to 1820, with calculation of the provincial duties paid thereon.

552a

Joint address from the Council and Assembly of Upper Canada.

553

December 29,
York.

Maitland to Huskisson (No. 33). Transmits papers from Galt, but does not assent to their accuracy. His gratitude for interference with the Land Company to check Galt's improper and offensive correspondence. Will send copies of letters when they can be prepared without detriment to necessary business.

559

Enclosed. Galt to Hillier. In consequence of receipt of despatch from the directors of the Land Company, the misunderstanding with His Excellency can no longer be in discussion. Is sorry that what was considered by him (Galt) as an act of respect should have been considered disrespectful. To explain his communications with the opposition, sends an extract from his personal narrative to be shown to His Excellency.

560

Extract respecting the mission of Dr. Rolph, &c.

562

December 31,
York.

Maitland to Stanley. Forwards letter from Galt respecting the settlers from La Guayra. The letters on the subject have been sent by Galt to the directors of the Canada Company, no copies having been kept. Is instituting inquiries into the circumstances of the case.

568

Enclosed. Galt to Stanley. In consequence of the letter conveying the disapprobation of Huskisson in respect to his conduct towards certain distressed emigrants, sends copy of the letter which he sent to Maitland's secretary explaining the course he intended to follow towards the emigrants.

569

December 31,
York.

Maitland to Huskisson (private and confidential). Sends considerations in respect to the affairs of Canada in continuation of those in letter of the 15th. The present letter deals with internal navigation, the state of public feeling, naturalization question and political feeling.

572

Enclosed. Gourlay to Coleman, 10th October, 1825. Congratulates him on being one of the legislators, feeling assured he would be staunch to the cause for which he met in convention. The propriety of having Canada independent, &c. Urges him and a deputation to come to London before the passage of the corn bill. The false allegation that he (Gourlay) is insane. Urges Canada to break loose from ministerial fetters.

589

PUBLIC OFFICES AND MISCELLANEOUS, 1827.

Q. 345-1-2.

(Part I. is paged from 1 to 218; part II. from 219 to 407.)

1825.
September 29, York. Baby to Farcy. Enclosed in Planta to Wilmot Horton, 3rd February, 1827. 268
December 16, Downing Street. Wilmot Horton to Marston. Enclosed in Marston to Goderich, 10th May, 1827. 268
1826.
July 19, Kingston. Bastable to Hillier. Enclosed in Bastable to Wilmot Horton, 25th June, 1827. 268
July 27, London. Memorial of Chief Justice Powell, that a portion of his pension may be continued to his wife on his death. Hillier to Bastable. Page 268
July 29, York. 268
August 14, Queenstown. Same to the same. Both enclosed in C. G. to Wilmot Horton, 15th May, 1827. 268
1827.
January 2, York. Dunn to Bathurst. Sends report of the progress of the Welland Canal. Every exertion, will be used to complete it with as little delay as possible. 131
January 18, London. Strachan to Wilmot Horton. Asks that the charter for the university to be established in Upper Canada, be passed free of expense. If it cannot, asks for the payment of the first half year of the annuity settled on the college out of which the expenses for the issue of the charter may be defrayed. 318
January 21, London. Dummer Powell to the same. In the report of the Executive Council of Upper Canada, of which he received a copy, reference is made to a letter said to have been sent from England addressed to him, which he never received. Asks for a copy of that letter and inquires about one, he wrote in 1818 to Maitland. Can he expect any indulgence in the receipt of his pension? 256
Enclosed. J. B. Robinson to Chief Justice Powell. Comments on letter from Powell, dated 20th January last, and endeavours to correct misunderstanding on his part of the contents of letters written previous to that date. 258
January 25, Whitehall. Lack to Wilmot Horton. By order of the Lords of Trade he returns Acts passed in Upper Canada, in 1823 and 1824, one having expired and the time for disallowance of the others having also expired. 19
January 27, Taghmon. Memorial of Mrs. Brien, for information respecting the property of her son, who was drowned when crossing the Bay of Quinté (Quinté). 90
January 27, London. Memorial of Chief Justice Powell, for payment of his half-year's pension in London, as it becomes due. 263
February 2, Whitehall. Lack to Wilmot Horton. Returns two reserved Acts of Upper Canada, the time for disallowance having expired. 20
February 2, Whitehall. The same to the same. Returns 38 acts passed in Upper Canada, in 1823 (441 to 478), which must be considered to be in force except such as have expired. 21
February 2, Whitehall. The same to the same. An Act passed in Upper Canada, in 1820, for increasing the representation, not having been disallowed must be considered in force. 22

Q 345-

1827.
February
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1827.
February 2, Whitehall. Lack to Wilmot Horton. Returns Acts passed in Upper Canada, in 1818, which have not been disallowed. Page 23
- February 3, Foreign office. Planta to the same. Sends copy of note with original enclosures, received from the French embassy. 32
- Enclosed.* Undated application on behalf of Farcy for liberty to sell his lands in Canada. 33
- Baby to Farcy (in French). Advises him of the best means of disposing of the lands granted to him in Upper Canada. 34
- Memorandum of the lands granted to Farcy. 37
- Followed by information respecting the lands. 38
- February 12, Peterborough. Bishop Macdonell to Bathurst. Has renewed the request that a notification might be sent to the governor in chief and to the lieutenant governor of Upper Canada of his appointment to be Roman Catholic diocesan Bishop of Upper Canada, as until then he is only regarded as a vicar general subject to the mandates and control of the Roman Catholic Bishop of Quebec. Reports the satisfactory state of the settlement of the Irish emigrants on the Rice Lakes; his astonishment at the rapid progress of their improvements. The careful attention paid to the wants of the emigrants by Peter Robinson. The greatest want of the emigrants in a few years will be roads, clergymen and schoolmasters of their own religion. If the Irish emigrants are kept under the direction of proper pastors and teachers, their loyalty to the British government will prove the strongest link in the chain betwixt the colony and the Mother Country. 388
- February 21, Quebec. Galt to Wilmot Horton. When the resolutions of the legislature of Upper Canada respecting Canadian claims for losses were introduced the arrangement for their liquidation was not understood. After consulting Dalhousie he petitioned for a reconsideration. Sends copy of report on the petition. The agent can do no more in the business in Canada. Refers the question to Bathurst and the Treasury whose course he cannot venture to anticipate. 135
- Enclosed.* Report referred to. 137
- February 24, Treasury. Herries to Wilmot Horton. What arrangement is to be made respecting the salaries formerly paid out of the grant of Parliament? If they are to continue to be paid by Adams, an arrangement must be made with the Canada Company. 51
- February 26, Whitehall. Adams to the same. Reports that bills have been presented for acceptance on behalf of officers on the civil establishment of Upper Canada; presumes that other officers have also drawn. The Treasury have ordered £3,000 to be issued to him to meet these bills, which will leave a deficiency of £1,890 5s. on the estimate for 1826. Asks that this latter sum be paid into his hands. 7
- Enclosed.* List of bills drawn. 9
- February 27, Kingston. Bishop Macdonell to Grant.
- February 27, Kingston. Rev. W. Fraser to Bastable. Both enclosed in C. G. to Wilmot Horton, 15th May, 1827.
- March 2, Treasury. Hill to Wilmot Horton. The admission of private transactions into public accounts leads to complications. The chief justice's case is very simple; he has only to appoint an attorney in Canada to draw his pension and remit to him. 53
- March 3, London. Shirley to ——. Thanks for answer, shall be glad to get the letter of recommendation promised and the further detailed information. 313
- March 6, Peterborough. Bishop Macdonell to Wilmot Horton. Does not think it necessary to add his evidence to the mass of testimonials of the good conduct and success of the Irish Catholic emigrants. Gives instances of the favourable result of their operations. Had pledged himself before leaving for England to become responsible for their good behaviour, if given the

- 1827.
- March 6. means to supply them with clergymen and teachers. He had redeemed his pledge, but the want of promised means had deprived him of the power to maintain the influence of religion over them and subjects him to fatigues he can no longer sustain. Had formerly applied for 12 clergymen and 14 schoolmasters, finds now that 20 priests and 20 schoolmasters are required. Page 392
- March 6. Strachan to Wilmot Horton. Sends remarks on a pamphlet sent him. Urges him to push the bills through, which with the college will be of great benefit to the province. 319
- March 13. Enclosed. Remarks on bill for disposing of a part of clergy reserves in Upper Canada. 320
- March 15, War Office. Strachan to Wilmot Horton. The bill before Parliament provides for the sale of a portion of the clergy reserves, but leaves the disposition of the money as provided for by 31 George III. 327
- March 16, London. Sullivan to the same. Lieut. John Radenhurst, late of the 8th regiment, has applied for permission to receive his half pay with his income as clerk in the office of the surveyor general for Upper Canada; applies to be informed of the amount of his salary, &c., and the date of his appointment. 73
- March 17, London. Address from the House of Commons for copy of the address from the House of Assembly of Upper Canada on the clergy reserves and of the answer, also copy of resolutions of Assembly of 21st December, 1826. 1
- March 23, Treasury. Strachan to Wilmot Horton. Letters from Canada report that matters in the legislature are getting on much better. The attempt of the Lower House to legislate on the clergy reserves had become a subject of ridicule. The importance attached to the sale of part of the clergy reserves. The alien bill had excited much debate. Peter Robinson will probably sail from New York on the 16th February. 328
- March 23, Whitehall. Herries to the same. The grant of a pension to W. J. Kerr, late a captain in the Indian department, would establish a most embarrassing precedent. The allowances to Norton and to the late secretary were not granted on the principle of military halfpay. 54
- April 2, London. Adams to the same. Offers further explanations with respect to the situation of agent for Upper Canada. The Treasury suggested that if arrangements with the Canada Company should admit of the salaries being paid by bills, he should be employed. If unfortunately this was impracticable, an answer would give him an opportunity to state the favourable sentiments held of his claims. Some of the annual charges must of necessity be paid in England as they are pensions to persons living in London. 10
- Apr 13, Cork. Greenwood, Cox & Co., to the same. Ask for certificate that Maitland was alive and in the execution of his duty from 1st July to 31st December, inclusive, 1826. 140
- April 9, Hammer-smith. Mrs. Hutchinson to Bathurst. States her husband's qualifications and solicits an appointment for him on the medical staff of Upper Canada. 189
- April 10, Liverpool. Dr. Weld to Bathurst. Not having received information respecting Catholic clergymen and schoolmasters for Upper Canada as promised, is afraid he must have been under a misapprehension. 395
- April 19, London. John Gladstone to Wilmot Horton. Recommends Cleghorn who, with his father and family, is going to Upper Canada and asks that he be furnished with letters of introduction to the governor and other persons of authority. 141
- May 1, Castle Toward. Greenwood, Cox & Co., to the same. Repeat the request for certificate asked for on 2nd April. 143
- May 1, Castle Toward. Finlay to the same. Encloses petition from Gibson. Is satisfied with the correctness of its statements. 133

1827.
May 2,
Liverpool.

Lieut. Rigby, R.N., to Wilmot Horton. Had received from Bathurst permission to settle in Canada and a letter to the governor requiring him to grant land, equivalent to his rank in the service. Now that a change has taken place in the administration presumes that the orders may have to be renewed and asks that the present Colonial secretary be requested to grant his sanction, &c. Offers his services. Page 273

Enclosed. Various certificates of his services, &c. 275 to 278

May 6,
London.

Memorial of Captain Richard Bullock. States his father's and his own services. Refusal of pension to his mother which compelled him to sell out, otherwise he might have made arrangements for retiring on half-pay and obtaining a grant of land. Applies now for land on the same terms as it is granted to officers on half-pay. 101

Enclosed. Recommendation by Harvey of Captain Bullock as a gallant and deserving officer. 104

May 9,
London.

Strachan to Goderich. Urges the passage of bill to authorise the sale of a portion of the clergy reserves. Explains the object of the bill introduced by Wilmot Horton. 336

May 9,
London.

The same to Wilmot Horton. Hopes it will not be considered an indiscretion the bringing before Goderich the proposed bill for selling a portion of the clergy reserves, but the subject has so strongly been pressed on him, that if he fails, he must show that he has done his utmost. 338

May 10,
Felhampton.

Marston to Goderich. Is writing on behalf of a poor but industrious man. Wrote some time ago on behalf of a poor man who had lost his son in Upper Canada and could not recover his property. By Bathurst's advice he had sent a power of attorney to the lieutenant governor of Upper Canada. He had been informed that the power of attorney would be returned which had not been the case. Asks that that and the other papers may be returned. 201

Enclosed. Wilmot Horton to Marston. He has been directed to return the power of attorney, as it would be impossible for the lieutenant governor of Upper Canada personally to afford assistance. Recommends him to apply to Boulton, solicitor general of Upper Canada, now at Ibbotson's Hotel, Vere Street. 203

May 10,
Leith.

Clegbourn to Wilmot Horton. The letters of introduction to the governor of Upper Canada, which he has promised, not having been received, he was writing to remind him of them. 109

May 11.

Strachan to Stanley. Had called but failed to find him, to ascertain if the modification of the bill respecting the clergy reserves met his views. Explains the nature of the bill as it now stands. 340

May 15.

C. G. (Charles Grant) to Wilmot Horton. Sends papers tending to justify Bastable. Asks him to read them and to give Bastable an opportunity of exculpation. 24

Enclosed. Bishop Macdonell to Charles Grant. Thanks for services. Congratulations on his election and good wishes. After investigation, is satisfied that Bastable is not guilty of the charges made against him. 25

Rev. W. Fraser to Bastable. Had visited the emigrants daily and was satisfied that the charge against Bastable of trying to induce them to go to the United States was unfounded. 28

Hillier to the same. Should submit his case to the lieutenant governor. 29

Same to the same. Knows nothing of affidavits from Irish emigrants that he had held out inducements for them to go to the United States. 30

May 16,
London.

Strachan to Wilmot Horton. Sends an ecclesiastical chart of Upper Canada to show the considerable progress made by the Church of England. Remarks on the additions made to the Church of England. The teachers of the different denominations, with a few exceptions (named) are from the United States where they gather their knowledge

1827.

	and form their sentiments. Further remarks and considerations respecting the clergy reserves. Page 342	
	<i>Enclosed.</i> Ecclesiastical chart of Upper Canada. 349 a b and c	
May 16, London.	Drury to Wilmot Horton. Applies for the situation of clerk with emigrants going to Upper Canada. 132	
May 17, London.	John Gladstone to the same. Sends letter from Cleghorn. Fears that the letter of introduction to the governor of Upper Canada has been misdirected or missent. Asks that a duplicate be sent on receipt. 177	
May 17, Cold Bath Fields.	Gourlay to Canning. Sends copy of letter to the <i>Morning Chronicle</i> not published, to be handed with two Canadian newspapers to Goderich, the newspapers to be returned. 144	
	<i>Enclosed.</i> Gourlay to the <i>Chronicle</i> on the alien laws and the importance of Upper Canada to the British Empire. 144	
	Governor's speech on the prorogation of the legislature of Upper Canada. 147	
	Remarks on the proceedings of the session. 150	
	Second extract from the <i>Canadian Freeman</i> in relation to the alien bill and the naturalization law. 158	
May 19, London.	Petition against the attorney general's naturalization bill. 168	
	Fearnside to Wilmot Horton. Is there a plan of the lands in Upper Canada advertised for sale? Should be glad to see it if there is and to have an interview. 154	
May 19, Liverpool.	Capt. Gladwin to Goderich. States his services and his intention to settle in Upper Canada. Asks for a grant of land. 178	
May 21, London.	Address from the House of Commons for copy of letter from Dr. Strachan respecting the state of the Church in Upper Canada. 2	
May 26, Treasury.	Hill to Wilmot Horton. The Secretary at War having reported that if Colonel Simons had been in the regular service he would under the circumstances stated been entitled to a pension as major commanding, the Treasury have no objection to the pension being increased. 56	
May 27, Ledbury.	Sherbrooke to Goderich. Encloses memorial from Gladwin, formerly captain in the 19th Light Dragoons, whom he recommends as a very deserving officer. 314	
May 28, Treasury.	Planta to Wilmot Horton. In regard to the application for pecuniary aid towards building a church at Amherstburg on the ground of the accommodation furnished to the garrison, sufficient information has not been sent to enable the Treasury to arrive at a decision. 57	
June 3, London.	Sewell to——. General remarks on the naturalization bill of Upper Canada which must, from the manner in which it was passed, be disallowed. Besides, it is at variance with other Acts relating to persons born in the United States whilst they were still colonies, and who had left after 1783 as British subjects. In the bill these are treated as aliens which in the present state of Upper Canada is impolitic. 315	
June 5, Niagara.	Bishop Macdonell to Wilmot Horton. The satisfactory progress of the city of Guelph; the system of settlement, the advantage of road making to enhance the value of the land. The prosperity of emigrants who have bought and paid for their land. The jealousy created in the minds of old settlers who defended the country, at free grants of lands being given to emigrants. 396	
June 8, Edinburgh.	Rev. John Lee to Goderich. Transmits memorial from the Church of Scotland for a participation of the proceeds of the clergy reserves for the clergy of that Church residing in Upper Canada. 357	
	<i>Enclosed.</i> Memorial. 361	
June 8, Hendon.	Willis to Goderich. As he intends to proceed to Canada for his judicial duties, hopes to be presented to the King before leaving. 353	
June 11, Cephalonia.	Memorial by Harry Allison, paymaster 90th Infantry, respecting the lands in Canada promised to him. 86	

ons respec-	1827.	Phipps to Wilmot Horton. Earnestly prays for a passage to Upper	
Page 342	June 16,	Canada to enable him to rejoin his children, as otherwise there is no	
a b and c	Shoreditch.	hope of his being able to do so.	Page 265
erik with	June 21,	Marshall to the same. Sends, taken from a newspaper, two letters from	
132	Keswick.	a person who has paid a visit to the Lanark and Perth settlements	
n. Fears		in Canada, which appear to give a favourable account of both places.	204
a has been		Enclosed. Letter IV on British settlers in Canada.	205
ipt. 177		Continuation of the letter.	219
Chronicle		(The letter is signed J. S., and contains details of the journey, settle-	
Goderich,		ments, &c.)	
144	June 21,	Bastable to Wilmot Horton. The changes in administration had pre-	
d the im-		vented him troubling him (Wilmot Horton) on the subject of the charge	
144		that he had been interfering with the emigrants brought out by Peter	
Upper Ca-		Robinson. He had come to London expressly to probe the matter to	
147		the bottom and asks for an interview.	92
150	June 23,	Address from the House of Commons for copies of correspondence	
the alien	London.	between the Colonial department and Mr. Rendel (<i>sic</i>) on the subject	
158		of the naturalization petition.	3
168	June 23,	Randal to Wilmot Horton. The necessity of having the question of	
n Upper	Westminster.	naturalization settled before the election to take place in June, 1828.	283
is and to	June 25.	Bustable to the same. Acknowledges receipt of letter; charges Hillier	
154		with having deceived him when on the way to demand an investigation,	
ention to		so that he turned back. Asks for an interview. His knowledge of the	
178		Irish emigrants who had been employed in Ireland by himself and his	
from Dr.		neighbours. But for his exertions not one fifth of them would have	
2		remained.	94
rted that		Enclosed. Copy of letter. Bastable to Hillier. On his arrival found	
nder the		that some of the Irish emigrants had been induced to make affidavits	
manding,		that he had held out encouragement to them to go to the United States.	
56		Denies the charge and refers to many letters of thanks he had received	
formerly		for his exertions to put down rebellion in Ireland.	98
s a very	June 26.	P. Robinson to Wilmot Horton. Calls attention to an extract on the	
314		alien question from his brother's letter of 10th May.	301
ecuniary		Enclosed. Extract from letter. Quietness prevails; the stuff about the	
d of the		naturalization bill has blown over. Old Bidwell has gone to Massa-	
has not		chusetts, it is said to remain. Neither he nor his son will take the oath	
57		of allegiance to the country for which they wish to make laws.	302
f Upper	June 29,	Hume to Wilmot Horton. Hopes he is to move for the correspondence	
be dis-	London.	between him (Wilmot Horton) and Randall. Has Matthews had his	
persons		pension or half pay struck off?	192
who had	June 29,	Willis to Goderich. Would it not be advisable for him to attend at	
as aliens	Gray's Inn.	court to be presented to His Majesty, as there may be no levée before he	
315		(Willis) leaves?	354
gress of	June 29,	Randal to Wilmot Horton. Acknowledges, with thanks, the reception	
of road	London.	that the petitions from land holders of Upper Canada met with. The	
migrants		great importance of settling as speedily as possible the question of the	
d in the		civil rights of the petitioners. The delay of a year may appear in	
of lands		England to be of slight consequence in the settlement of the question at	
396		issue but it is of vital consequence to Upper Canada, and the bill prepared,	
urch of		if brought into the House, would answer every object in view. The prayer	
rves for		of the petition is that the Imperial Parliament and not the provincial	
357		government would redress the grievances complained of. It was to have	
361		the bill with that object in view passed that was the reason of his mission	
is judi-		and he knows from experience that it is the only means that will answer	
353		the object in view. Repeats the argument from the fact of the approach-	
ing the		ing election. How the question might be settled. Remarks on the	
86		clauses of the proposed bill.	285

1827.
July 3,
London. Strachan to Wilmot Horton. Is about to sail for Canada; returns thanks for kindness. It is fortunate he (Wilmot Horton) remains in the department. Hopes that the question of emigration which he has forced into notice will become a question of unity in one general government. Instructions from the Secretary of State must be sent before the colonial government can act with regard to the clergy reserves. Hopes that a short letter may be sent to Randal and the intentions of government be communicated only to the lieutenant-governor. Page 351
- July 4,
London. Randal to Wilmot Horton. Thanks for orders of admission to the House of Lords at the prorogation. Was Lord Goderich the General Frederick Robinson who served in Upper Canada in 1815? 295
- July 4,
London. Same to Goderich. Thanks for the interview. Suggestions for amending the instructions to the government of Upper Canada on the subject of naturalization and for modifying the provisions of the Act. 293
- July 10. Grant to Wilmot Horton. Will not involve himself as a judge and will make no remarks, but returns the paper with thanks. 31
- July 12,
Gray's Inn. Willis to Goderich. It only rests with the law officers to arrange the patent of equity judge of Upper Canada for which alone he remains. Requests that it may be prepared in time for him to leave for Liverpool on Tuesday next to sail for Canada. 355
- July 17,
London. Randal to Wilmot Horton. Did the lieutenant-governor of Upper Canada transmit in 1824, a petition from him (Randal) with other documents, of which one was a copy of an Order in Council of Upper Canada made in January, 1799, of which he asks a copy? 296
- July 18,
Gray's Inn. Willis to the same. Thanks for the intimation that the issue of the equity patent need not detain him and that his salary would begin on Friday last. 356
- July 22,
Newport. Robinson to the same. Requests an answer to letters sent some time ago respecting claims for land in Upper Canada, as the season for the passage of an invalid is drawing to a close. 279
- July 23,
London. Randal to Goderich. The business on which he came is in a fair way of adjustment. Asks to be furnished with a copy of instructions to be sent to the government of Upper Canada and that he be granted an interview to say good bye. Other papers asked for. 298
- July 24,
Downing Street. Balfour to Randal. Cannot communicate to him the papers he desires to have except his own writings and Goderich cannot discuss any question already decided on by his predecessor. 297
- July 24,
Liverpool. Capt. Gladwin to Goderich. Calls attention to his petition, which he is afraid may be overlooked, as a decision is of importance to him seeing the advanced state of the season. 179
- July 30,
York. Carey to Canning. Urges the importance of the Rideau Canal which should be built on a scale to accommodate steamers. Offers to build it at 15 per cent more than the contract price of the canal on the smaller scale. 115
- Enclosed. Observations on the Rideau Canal. 117
- August 1. Observations on the proper appointment of the judicial officers. 127
- P. Robinson to Wilmot Horton. Sends a few late New York newspapers. Returns thanks for the commission and instructions he has received. 304
- August 1,
Cold Bath Fields. Gourlay to Wilmot Horton. Proposes to address the King next week to assert that the national debt may be liquidated within fifty years by the sale of colonial lands. Asks for the report of the evidence before the last emigration committee. 186
- August 3,
Aberdeen. Capt. Gordon to the Colonial Secretary. States his services and his intention to settle on the Niagara peninsula. Asks for a grant of land. 180

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1827.
August 4, Duke of Gordon to the Colonial Secretary. Forwards letter from
Huntly Lodge Capt. Gordon, who is an intelligent officer and a most deserving man. Page 183
- August 4, Hill to Wilmot Horton. Arrangements to be made for the payment
Treasury. by the Canada Company of the instalments for the purchase of lands. 61
- August 4, Same to the same. Asks for an explanation of the difference
Treasury. between the appropriation of the sum to be paid by the Canada Compa- 59
ny and that voted in 1825.
Enclosed. Copy of the civil establishment of Upper Canada for 1825. 60
- August 10, Lieut. Horrie, R. N., to the Colonial Secretary. Applies for informa-
Peterhead. tion respecting land granted to his deceased brother in the county of
Carleton, district of Bathurst, and what claim the widow and family of
deceased have on it, as it may furnish relief to them. 193
- August 13, Lucas to ———. Suggests the manner in which emigrants could be
Winkfield. settled on the frontier and offers his services to drill them. Asks only
for a free passage and grant of land. 195
- August 13, Seguier to Wilmot Horton. Applies for information respecting Louis
London. Lombard, who died in Detroit, territory of Michigan, in July, 1824. 317
- August 15, Brookbank to the same. Asks for an answer to the inquiry of 4th
Treasury. August, as to the difference between the sum of £8,500, recommended
in letter of 26th March, 1826, and the amount of £8,229 voted for the
same service in 1825. 64
- August 15, Gourlay to the same. Proposes to pay off the national debt from
Cold Bath Fields. from colonial lands. He will reduce the settlement of wild lands and
emigration to a science at once profitable and big with moral improve-
ment. Has personal respect for him (Wilmot Horton) but his speeches
and doings on emigration are delusive and wasteful. 184
- August 16, Dr. Weld to Wilmot Horton. Asks for an interview. 399
London.
- August 20, P. Robinson to Wilmot Horton. Applies for a stated daily allowance
for contingent expenses. 305
- August 21, Gourlay to the same. His indignation at the sale of the Crown and
Cold Bath Clergy reserves; against that disposal of them, he wrote to the Chancel-
Fields. lor and to the King. Hume, whom he expected to support him in his
opposition to the bill, supported him (Wilmot Horton) in throwing
away the national property. He (Wilmot Horton) had been the instru-
ment of more waste and mischief during the last six years, than any man
alive. Urges that no more wild land be parted with till more is known
on the subject. Is waiting for the last emigration report, but does not
expect much from it in regard to right principles. 187
- August 23, Coutts & Co. to Wilmot Horton. Will attend to the desire of the Six
London. Nations Indians, that the bills drawn by John Claus for their dividends,
be honoured. 110
- August 24, Lucas to ———. Repeats his request for leave to emigrate. Now asks
Winkfield. that he may do so as a pauper, having no means, and before long may
have to go to the poor house. This is additionally hard as he was
brought up a gentleman. 198
- August 30, Marston to Clive. Asks his assistance to obtain the return of the
Felhampton. power of attorney and other papers relating to the case of Joshua Rat-
cliff. 239
- September 3, Lukin to Wilmot Horton. Captain A. A. Rapelzé, late of the incor-
War Office. porated militia of Upper Canada, has applied to receive his half pay
with his income as sheriff of the London district. What is the annual
amount of his salary, &c., and the date of his appointment? 74
- September 4, Petition of Bishop Macdonell and Dr. Weld, his coadjutor. Enclosed
in Dr. Weld to Wilmot Horton, 3rd October, 1827.

1827.
September 6, Newport. Robinson to Huskisson. Has twice applied to Wilmot Horton for grant of land. Now states his military rank and service and requests to have the order for the usual military grant of land. Page 280
- September 8, Admiralty. Spencer to Wilmot Horton. Sends a petition, the subject of which has no reference the Admiralty. 4
- September 10, Whitehall. Adams to Hill. Has been informed that the Treasury have directed Sargent to advance £1,845 to enable him to discharge all bills drawn on him as agent for Upper Canada to 1st of January last. The inconvenience and loss that will be caused should bills drawn by the civil officers for amounts due at a subsequent date be dishonoured. 67
- September 15, Whitehall. Adams to Wilmot Horton. The auditors ask for his authority for the payment of the establishment for Upper Canada. Requests that he be furnished with authority. 69
- September 15, Treasury. Hill to the same. Applies for Huskisson's opinion on the bills drawn on Adams by civil servants in Canada, the orders having been given to pay them by the Receiver General in Upper Canada. 12
- September 25, Temple. Report by the law officers on the establishment of a Court of Equity in Upper Canada. They doubt whether His Majesty can by letters patent under the great seal or in any other manner without the intervention of Parliament or of the local legislature create a new office of judge as Master of the Rolls in Upper Canada, or by any other title, to form a Court of Equity. 65
- September 26, Perth. W. Morris to Wilmot Horton. Points out the mistakes of Dr. Strachan in respect to the position of the Church of Scotland in Canada and animadverts on the errors in his statements. 241
- September 27. Enclosed. List of ministers of the Church of Scotland in Canada and of Presbyterian clergy not of that church. 251
- 1827 (?).
October 2, Dorsetshire. P. Robinson to Wilmot Horton. Applies to have the sale of the clergy lands and the management of the funds as specified in the Act authorising the sale. 307
- October 3, London. Powell to Wilmot Horton. Did not seek for an interview as reported by Warren although on first arriving he asked for an opportunity to explain his motive for retiring. 270
- Attached. Memorandum on the object with which the preceding letter is written. 272
- October 3, London. Dr. Weld to Wilmot Horton. Bishop Macdonell had pledged himself to be answerable for the good conduct and loyalty of the Irish emigrants provided that means were provided to maintain a sufficient number of clergymen to instruct them. He had in March applied for 20 clergymen for Upper Canada, but now finds that 40 are required. This is the more urgent as Methodists from the United States are establishing themselves in the province. The inadequacy of the allowance to provide clergymen and teachers. The salary of Bishop Macdonell is hardly sufficient to cover half of his travelling and other expenses. The salaries of the bishops in Trinidad and Isle of France are £1,000 a year each, though their expenses cannot be nearly so great as Bishop Macdonell's nor their stations so important as his. 400
- Enclosed. Petition of Bishop Macdonell and Dr. Weld, his coadjutor, for a charter for trustees for the Roman Catholic Church. 403
- October 5, Horse Guards. Fitzroy Somerset to Hay. The commander in chief has approved of the sale by Capt. Dixon of his retired full pay company in the 4th Royal Veteran Battalion. 18
- October 9, Treasury. Lewis to Wilmot Horton. Under the circumstances Sargent has been authorised to pay Adams £1,181 19s. 8d. to meet bills drawn for salaries, the amount to be remitted in a bill from Canada. 70
- October 24, Portsmouth. Coll to the same. Submits a proposal to which he asks a reply. 111

1837.

October 25,
War Office.

Enclosed. Proposition to settle a number of families in Upper Canada. States his experience, his family and his pecuniary means. Page 112

Sullivan to Hay. Desires to have Huskisson's opinion on the claim of Lieut. McGregor for half pay. Sends copy of the memorial and the grounds of the claim. 75

Enclosed. Memorial from McGregor. 77

Papers relating to McGregor's claim. Part sent by Maitland on 6th August, 1827. 79 to 85

November 1,
Whitehall.

Adams to Wilmot Horton. Explains the reason for paying accounts objected to in the audit. 13

November 2.

Enclosed. Queries and observations on accounts. 15

Rotton to Huskisson. Applies for a grant of land for T. C. Gale, now residing in York, Upper Canada. 281

December 5,
London.

Dr. Weld to Stanley. Sends quotation from Bishop Macdonell's letter respecting a French priest named D. J. Dejean, who is anxious to settle on the river Thames. 406

November 5,
London.

The same to Wilmot Horton. Asks for an audience on behalf of the employment asked for by Bishop Macdonell of D. J. Dejean a French priest, who desires to settle on the river Thames, for whom permission must be obtained to reside in the province. 407

November 7,
Kingston.

Petition from Presbyterians, not connected with the Church of Scotland, for a share in the proceeds of the sale of clergy reserves. 381

Attached. Certificate that Rev. Horatio Foote, pastor of the Union Presbyterian Church, Kingston, was regularly ordained and appointed minister of the said church. 386

November 14,
Ordnance.

Byham to Wilmot Horton. Transmits for consideration proposal by J. Mackenzie, R. N., for building a steamer on Lake Ontario in room of the Frontenac. 43

November 16,
Kingston.

Certificate to Rev. Horatio Foote. Attached to petition from Presbyterians, 7th November.

November 18,
Perth.

Bell to Stanley. Had forwarded petition from the United Presbytery of Upper Canada to Wilmot Horton. The misstatements in Dr. Strachan's letter; the danger of rousing discontent if one church receives government assistance which is refused to others. 106

December 4,
Soho.

Matthews to Goderich. Sends address to the King from a meeting held at Westminster, which he has been instructed to transmit. 252

December 18.

Enclosed. Address to the King. 254

Hill to Stanley. In reference to the application of the Welland Canal company to borrow £50,000 from government the Lords of the Treasury do not think that Parliament would be disposed to lend the money, but in view of the importance of the Canal it is probable that the Colonial legislature would be disposed to make arrangements for the interest at 5 per cent of the sum borrowed, with a sinking fund for the redemption of the debt. 71

December 20,
Quebec.

Petition from members of the church of Scotland for a participation in the proceeds of the clergy reserves. 368

December 24,
Admiralty.

Barrow to Stanley. Applies for payment of £42, to the master of the gun boat "Bee," for accommodation to four gentlemen belonging to the Canada Company. 5

No date.

Copley to Wilmot Horton. Sends memorandum from Powell, late chief justice of Upper Canada, respecting his pension. 45

Barrie to the same. The "Briton" will sail from Spithead on Sunday next after the arrival of the London post. 105

P. Robinson to the same. Has received a letter from his brother in which he makes remarks on the alien question. 300

Memorial of emigrants to the Newcastle district, expressing their loyal attachment and gratitude and their wish to have the fertile lands in the neighbourhood of their settlement also allotted to emigrants. 308

1827.
No date.

Petition of various religious sects claiming to be styled Christians
The petition is burlesque. Page 333

Naturalization bill, as introduced by Mr. Rolph. 330

(The bill as reported on by the committee to whom it was referred is
in vol. Q. 344).

Petition against granting a share of the proceeds of the clergy reserves
to the ministers of the Church of Scotland and praying that if assistance
be given them it should not be taken from the clergy reserves. 372

LIEUT. GOV. SIR P. MAITLAND, 1828.

Q. 346-1.

1827.
December 18, O'Hara to Maitland. Enclosed in Maitland to Huskisson, 23rd
York. January, 1828.

December 26, Strachan to Maitland.
York.

December 27, Maitland to Strachan. Both enclosed in Maitland to Huskisson, 1st
York. January, 1828.

1828.
January 1,
York.

Maitland to Huskisson (No. 1). Has received copies of the proceed-
ings of the court of directors of the Canada Company, of their letters to
him (Huskisson) and Galt. The conduct of the company is not likely
to lead to any disadvantage from impressions produced by their agent,
Galt. In transmitting Strachan's correspondence to the court of direc-
tor's, remarks that the letter he wrote to Strachan conveys his sentiments
on the circumstances giving rise to the correspondence. Thanks for
prompt attention to an occurrence which being attended to is no longer
of importance. Page 28

Enclosed. Strachan to Maitland. Sends copy of correspondence with
Galt. 31

Maitland to Strachan. Regrets his imprudence with respect to
Galt. 56

January 3,
York.

Maitland to Huskisson (private and confidential). Desires to commu-
nicate on the subject of the correspondence transmitted with his dis-
patch, as it may throw light on assertions made in Parliament and enable
him to understand the recourse made to him on complaints professing
to come from the inhabitants of Upper Canada in regard to the natura-
lization bill. Randall on his return published his correspondence with
the colonial office. He has republished a part of this on the eve of the
session. It is made studiously to appear that it is not government but
Hume that is to be thanked for the rejection of that bill; it is perfectly
understood that the object of complaint is to produce discontent with
government, and although it is not infrequent to attempt to injure the
government in Canada by ascribing the merit of any popular measure
to the Imperial government, yet these people are sensible that it would
never answer to make the people of the province believe they could rely
on the justice and consideration of the King's Government. Randall
publishes his correspondence repeatedly, which leads reflecting people to
consider how colonial questions may be disposed of, as Randall has found
a patron in Hume to protect the people of Canada against their govern-
ment. Hume's last letter would make it understood that Goderich,
Horton and even the House of Commons had only in view the consulting
the wishes of Randall who had gone without the knowledge of 50 people
with a petition signed by not one fiftieth part of the population, if the
signatures are all genuine. A bill has been brought in but not
proceeded with, not because government or the House doubt its expe-

1828.

dieney but because Randal says he did not approve of it and he says also that orders are to be sent to the government and legislature of Upper Canada to act in a diametrically opposite manner from their conduct last session. Remarks on the conduct of Randal and Hume as associates. A list is added of the names and descriptions of the persons styling themselves the Central Committee, these are: "Jesse Ketchum, tanner, native of New England, having also a tanyard at Buffalo, in the State of New York. Alexander Burnside, apothecary, a native of the United States. Thomas Stoyell, brewer, native of the United States. Joseph Shepherd, farmer, native of the United States. Page 1

Enclosed. First report of the central committee, containing the proceedings of Randal, in London, his correspondence, &c. 7

January 21, Maitland to Huskisson (No. 2). Transmits memorial from Peter McGill, proprietor of the Marmora Iron works for extension of time for delivery of iron ballast to the dockyard at Kingston. 59

January 23, The same to the same (No. 3). Transmits letter from O'Hara A. A. G. of Militia, and asks that he be permitted to wear the order of the Tower and Sword bestowed by the King of Portugal. 61

Enclosed. O'Hara to Maitland. For permission to wear the order of the Tower and Sword. 63

January 28, Maitland to Huskisson (No. 4). Sends copies of correspondence with Galt from 24th May last to the present time. 65

Enclosed. Correspondence. 67 to 170

January 28, Maitland to Huskisson (No. 5). Application from Galt for a grant of land for a Roman Catholic and a Scots Presbyterian Church in Guelph will be found among the correspondence. He (Maitland) applies for 200 acres each for the churches in question in Eramosa. 171

February 4, Maitland to Wilmot Horton. Has received letters through Robinson but his dispatches of 28th August and 2nd October have not been answered. His letters respecting the naturalization bill agree with his intention in writing them, to express, that is, in the strongest terms how unfortunately that bill had been disposed of. Was perfectly ready to defend the acts of his government so intemperately arraigned in Randal's petition. Cannot understand how his conduct could call forth animadversion and defends himself against the charge of allowing himself, actuated by fear of offending, to sacrifice the public interest. How Goderich's abandoning one of the clauses of the naturalization Act was misconstrued. He did not question Goderich's right to reverse any decision of Bathurst's whatever embarrassment was caused, but he ought not to be thought unreasonable to point out the best method of doing so that no room would be left for opponents of government to believe they had gained a triumph and the agitators in the province shown that it was they who had delayed the settlement, the Act asked for now being one offered by government last session and rejected. The manner of giving effect to the petition has confirmed the unjust and ungenerous surmises respecting the course of the provincial government; the restrictions complained of being supposed to have been previously approved of if not suggested by the provincial government. The assurance on which Bathurst acted was received from Rolph, as appears from the private letter to Robinson, which could not have been inferred otherwise, and Rolph, in the Assembly, uniformly resisted and complained of the instructions. Is not sure that he (Wilmot Horton) does not confound the instructions with the Imperial Act, as he speaks of them in his letter indifferently, whilst they were distinctly of opposite characters. Rolph denies he had any knowledge of the instructions and he had embarked long before the date of them. Complains of the manner in which the petition complaining of the government was received as compared with

1828.

those expressing satisfaction. Criticism of the expressions in Goderich's dispatch, &c.

Enclosed. Extract from the proceedings of the provincial Assembly in respect to the naturalization bill.

February 5,
York.

Maitland to Huskisson (No. 6). The only communication to him from the department is a letter to Robinson by Horton to be communicated. Believes it is desired he shall write direct to Huskisson. As he hears that Dalhousie is about to return to England it is uncertain when he (Maitland) may take advantage of his leave of absence.

February 6,
York.

Same to the same. The measures solicited by the Roman Catholic Bishop of Rhesina seemed to involve important legal considerations. Had therefore referred the petition to the attorney general, whose opinion and the petition are transmitted.

Enclosed. Petition of the Roman Catholic Bishop of Upper Canada, and his coadjutor for a charter of incorporation to trustees, under the name of the trustees of the Upper Canada Catholic Church.

Opinion of the attorney general on the petition. Several Protestant dissenting bodies have received charters, but no general Act has passed in consequence of differences between the Council and Assembly. It was never contemplated to allow more to such dissenting bodies than sufficient ground for the site of a church and burying ground of each sect in every township, but nothing like the corporate capacity with the powers mentioned in the petition is possessed by any denomination of Christians, not excepting the Church of England, nor ever applied for. It is no doubt, right that every community of Roman Catholics should have the advantage of religious instructions, but it must rest with His Majesty's government to decide how far it is expedient to contribute to the increase of the Roman Catholic religion by providing for them a facility of getting and acquiring without limit.

February 7,
York.

Maitland to Huskisson. Transmits petition from the minister of the Presbyterian Church in Kingston, in accordance with a rule he has laid down for himself of forwarding every petition.

Enclosed. Petition from the trustees of St. Andrew's Church, Kingston, for relief from the debt they have incurred in building their church.

February 11,
York.

Maitland to Huskisson. Asks that an error in dispatch of 3rd January, be corrected.

February 12,
York.

Maitland to Stanley. Sends return of the average price of wheat and other grain at York and Kingston, for September, October, November and December, 1827.

Enclosed. Return.

February 28,
York

Maitland to Huskisson (No. 9). Merritt is to go to England to try to obtain further assistance from government. States from his own knowledge the condition of the canal, which was undertaken in 1824, with the intention to accommodate boats drawing four feet of water; the increase of size, enlargement of stock and its present condition.

March 1,
York.

Same to the same. Sends abstract of the docket books of the auditor of land patents.

Enclosed. Abstract.

215a to 215d

1828.

ABSTRACT from the Auditor's Docket Books of Grants of Land which have passed the Great Seal of the Province between the 1st day of January and the 31st day of December, 1827, inclusive, showing the Number of Grants of each Class made in each District, and the Gross Number of Acres granted.

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Home.....	County of York..	4	50	200	10,300	70	23,183½
		38	100	3,800			
		26	200	5,200			
		1	300	300			
		1	800	800			
	County of Simcoe..	2	50	100	12,883½	74	
45	100	2,400					
1	200	9,000					
1	300	300					
1	400	400					
1	683½	683½					
Eastern.....	County of Glengarry..	57	100	5,700	6,769	61	7,563
		1	150	150			
		1	200	200			
		1	319	319			
		1	400	400			
	County of Dundas..	1	70	70	270	2	
1	200	200					
County of Stormont..	1	24	24	524	6		
5	100	500					
Ottawa.....	County of Prescott..	8	100	800	2,800	16	5,500
		1	168	168			
		5	200	1,000			
		1	332	332			
		1	500	500			
	County of Russell..	6	50	300	2,700	16	
3	100	300					
5	200	1,000					
1	300	300					
1	800	800					
Johnstown....	County of Leeds..	1	50	50	1,545	12	2,945
		1	75	75			
		1	84	84			
		4	100	400			
		1	136	136			
	4	200	800	1,400	7		
County of Grenville..	5	100	500				
1	400	400					
1	500	500					
Bathurst.....	County of Carleton..	1	64	64	6,164	18	
		8	100	800			
		2	200	400			
		1	400	400			
		2	500	1,000			
	2	800	1,600	1,200			
1	700	700					
1	1,200	1,200					

1828.

ABSTRACT from the Auditor's Docket Books of Grants of Land.—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.
Bathurst.....	Town of Perth {	1 1 1 4	$\frac{7}{16}$ $\frac{1}{25}$ $\frac{1}{25}$ 1	$\frac{7}{16}$ $\frac{1}{25}$ $\frac{1}{25}$ 4	$5 \frac{P}{17}$	7	16,262 $\frac{P}{17}$
	County of Lanark.. {	1 1 6 1 78 5 1	6 25 80 82 100 200 700	6 25 480 82 7,800 1,000 700	10,093	93	
Niagara	County of Lincoln....	1	200	200	200	1	200
Newcastle....	County of Durham.. {	5 23 1 14 1 1	50 100 150 200 463 2,200	250 2,300 150 2,800 463 2,200	8,163	45	14,515 $\frac{1}{2}$
	County of Northumber- land. {	1 3 1 4 20 1 13 2 1	1 9 43 50 100 170 200 300 700	1 27 43 200 2,000 170 2,600 600 700	6,341	46	
	Town of Peterborough {	5 1	$\frac{1}{2}$ 9	$2 \frac{1}{2}$ 9	11 $\frac{1}{2}$	6	
	County of Wentworth.. {	1 1	188 200	188 200	388	2	
Gore	County of Halton.. {	1 3 34 30 2	$\frac{1}{2}$ 50 100 200 300	$\frac{1}{2}$ 150 3,400 6,000 600	10,150 $\frac{1}{2}$	70	10,583 $\frac{1}{2}$
	Town of Kingston.. {	1 1	$\frac{1}{2}$ $1 \frac{1}{2} \& \frac{P}{26}$	$\frac{1}{2}$ $1 \frac{1}{2} \& \frac{P}{26}$	2 $\frac{P}{26}$	2	
Midland ...	Town of Belleville....	6	$\frac{1}{2}$	3	3	6	10,613 $\frac{1}{2}$ & $\frac{3}{4}$
	County of Frontenac.. {	1 1 1 1 2	$1 \frac{1}{4} \& \frac{P}{17}$ 275 434 456 2,200	$1 \frac{1}{4} \& \frac{P}{17}$ 275 434 456 2,200	9,366 $\frac{1}{2}$ & 17 sqr. rods.	7	
	County of Hastings.. {	1 2 3	50 100 200	50 200 600	850	6	

and.—*Con.*

1828.

ABSTRACT from the Auditor's Docket Books of Grants of Land.—*Con.*

District.	Towns and Counties.	No. of Grants of each Class.	No. of Acres in each Grant.	Total Number of Acres.	No. of Acres in each County.	Total Number of Grants.	Total Number of Acres Granted.							
Midland	County of Lennox and Addington.	$\left\{ \begin{array}{l} 1 \\ 2 \end{array} \right.$	$\left\{ \begin{array}{l} 70 \\ 100 \end{array} \right.$	$\left\{ \begin{array}{l} 70 \\ 200 \end{array} \right.$	270	3								
	County of Prince Edward.	1	122	122				122	1					
London.....	County of Middlesex..	$\left\{ \begin{array}{l} 1 \\ 1 \\ 1 \\ 1 \\ 21 \\ 19 \\ 1 \end{array} \right.$	$\left\{ \begin{array}{l} 31 \\ 50 \\ 144 \\ 168 \\ 100 \\ 200 \\ 300 \end{array} \right.$	$\left\{ \begin{array}{l} 31 \\ 50 \\ 144 \\ 168 \\ 2,100 \\ 3,800 \\ 300 \end{array} \right.$	6,593	45	8,843							
		County of Norfolk....	2	200				400	400	2				
		County of Oxford..	$\left\{ \begin{array}{l} 1 \\ 5 \\ 8 \end{array} \right.$	$\left\{ \begin{array}{l} 50 \\ 200 \\ 100 \end{array} \right.$				$\left\{ \begin{array}{l} 50 \\ 1,000 \\ 800 \end{array} \right.$	1,850	14				
			County of Kent..	$\left\{ \begin{array}{l} 2 \\ 11 \\ 1 \\ 19 \\ 1 \\ 4 \end{array} \right.$				$\left\{ \begin{array}{l} 50 \\ 100 \\ 102 \\ 200 \\ 300 \\ 500 \end{array} \right.$			$\left\{ \begin{array}{l} 100 \\ 1,100 \\ 102 \\ 3,800 \\ 300 \\ 2,000 \end{array} \right.$	7,402	38	7,402
				Total.										

Errors excepted.

S. HEWARD,
Auditor General, U.C.

AUDITOR GENERAL'S OFFICE,
12th January, 1828.

1828.

RECAPITULATION of the within Grants of Land.

Acre and Square Feet.	Number of Grants.	Number of Acres.	Grants to Sons and Daughters of U. E. Loy- alists.	Grants to Sur- veyors.	Grants to the Militia.	Full Fee Grants.	Grants to Mil- itary Claimants.	Gratuitous Grants.	Grants where the Fees are sus- pended.	Grants under Special Order in Council.	Grants where Half Fees are paid.	Grants where Stationery only is paid.
Grants under 100 acres.....	75	2,605½	.....	2	1	20	.....	39	9	3	.....	.....
" of 100 acres.....	351	35,100	2	1	50	119	4	11	147	.....	15	2
" over 100 acres and under 200 acres.....	10	1,498	1	.....	.....	4	.....	.....	2	1	2	.....
" of 200 acres.....	201	40,200	114	.....	7	58	1	3	7	.....	10	1
" over 200 acres and under 300 acres.....	1	275	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
" of 300 acres.....	9	2,700	.....	.....	1	1	.....	1	1	.....	6	.....
" over 300 acres and under 400 acres.....	2	651	.....	.....	.....	1	1	1	1	.....	.....	.....
" of 400 acres.....	4	1,600	.....	.....	1	1	.....	1	.....	.....	.....	.....
" over 400 acres and under 500 acres.....	3	1,353	.....	2	.....	.....	.....	.....	.....	.....	.....	.....
" of 500 acres.....	8	4,000	.....	.....	7	.....	.....	.....	1	.....	.....	.....
" over 500 acres and under 700 acres.....	1	683½	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
" of 700 acres.....	3	2,100	.....	.....	.....	1	.....	.....	2	.....	.....	.....
" over 700 acres.....	4	3,200	.....	.....	4	.....	.....	.....	.....	.....	.....	.....
" over 1,000 acres and under 2,000 acres.....	1	1,200	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
" over 2,000 acres and under 3,000 acres.....	2	4,400	.....	1	.....	.....	.....	1	.....	.....	.....	.....
" of 6,000 acres.....	1	6,000	.....	1	.....	.....	.....	.....	.....	.....	.....	.....
Total.....	676	107,564½	117	10	72	204	6	57	170	4	33	3

Errors excepted.

AUDITOR GENERAL'S OFFICE,
12th January, 1828.S. HEWARD,
Auditor General, U. C.

1828.
March 6,
York.

Maitland to Huskisson (No. 11). Cameron, the secretary and registrar of the province is the bearer of a naturalization bill for the signification of His Majesty's pleasure. Nature of the bill. Page 216

Enclosed. Opinion of the attorney general on the naturalization bill. The opinion enters into minute details of the title and provisions of the bill. 219

Copy of the naturalization Act with schedules. 232

Extract from the naturalization law of the United States. 242

March 7,
York.

Maitland to Huskisson (No. 12). The culture of tobacco has greatly increased in the western district; it was thought that an abatement of six pence a pound on the import duty in Great Britain would have been sufficient encouragement, but it is not so and the legislature petitioned two years ago for a larger abatement, but this has not yet been attended to. Has received a letter from a respectable gentleman whose statements can be relied on. An abatement of nine pence or a shilling a pound would be a sufficient encouragement. 244

Enclosed. Gordon to Hillier. Owing to a different system of preparation required for the British market, the present rate of abatement is not sufficient, a further addition of six pence a pound is required. Should the protection asked for not be speedily afforded the business must soon be discontinued. 247

Extracts from letters from Gillespie, Moffat, Finlay & Co., relative to Canadian tobacco shipped to London. 251

March 12,
York.

Maitland to Huskisson (separate). Asks that if Judge Willis sends any representations or suggestions respecting government he should be made aware of them. 257

March 13,
York.

Same to the same (No. 13). Transmits addresses and resolutions of the Assembly and explains the nature of the altercation which seemed to end for the present with his reply to the Assembly. When the naturalization bill passed last session it was in a full House, this session the attendance is very thin. The course he adopted in consequence of the want of instructions, and informed the House that he had not deceived or misinformed Bathurst of the feeling that existed. According to Wilmot Horton, the passage in Goderich's letter that might be construed as having that meaning applied to a person who happened to be in England and engaged in a systematic and intemperate opposition to the provincial government. Had he known this when he communicated the dispatch to the legislature, he would not have conveyed the explanation, satisfied to give assurance in general terms. He must have appeared to the people of the province strangely inattentive to the efforts to excite suspicion of the measure when proposed, or that a measure with the same end but with many restrictions would be acceptable. Long and elaborate account of his reason for transmitting the addresses, resolutions, &c., respecting the naturalization Act. 259

Enclosed. Bathurst to Smith. On the reasons for excluding American citizens from holding land in the province. 275

Report of the attorney general on the effect of a proclamation to prevent aliens from holding lands in Canada. 279

Bathurst to Maitland. Barnabas Bidwell is not eligible to sit as a representative in the Assembly of Upper Canada. His son is also an alien. 286

Message of Maitland to the Assembly respecting the naturalization Act. 290

Goderich to Maitland. Two reserved bills under consideration. Petitions against the naturalization Act and that to secure British subjects in their titles to land derived through aliens. The intentions of the legislature must be learned from their acts and resolutions, but the petition shows that a numerous class of the inhabitants are dissatisfied with the

1828.

measure recommended in 1826, for which the Governor, Council and Assembly are not responsible but His Majesty's Government are; Bathurst had used every means in his power to ascertain if the measure would be satisfactory and there were sufficient grounds to show that all classes would cordially acquiesce in it. If expectations were disappointed it was from causes beyond the control of Bathurst. The decision on the present bills will be suspended, until it shall appear whether the Council and Assembly are disposed to pass more generally satisfactory bills in which case the present bills will be disallowed. The general principles on which such a bill should be embodied. The law should contain no provision for the renunciation of any allegiance or supposed allegiance to any foreign state. The proposed bills must be entirely retrospective. They will consequently not interfere with future Acts of the British Parliament respecting naturalization. Other provisions as to property held by or derived through aliens.

Page 291

Speech at the opening of the session. 298

Handbill, calling a meeting at Belleville against the alien bill. 302

Address from the Assembly to the lieutenant governor of Upper Canada. 304

Reply by the lieutenant-governor. 305

Resolutions of Assembly on reply. 305

Address to the King founded on the resolutions. 314

Address to the lieutenant governor, asking him to transmit address to the King. 317

(Other documents in Q 346-2 page 318 to page 328).

LIEUTENANT GOVERNOR SIR P. MAITLAND, 1828.

Q. 346-2.

1828.
March 14,
York.

Summers to Givins.

March 15,
York.

Givins to Beardsley. Both enclosed in Maitland to Huskisson, 29th March, 1828.

March 17,
York.

Maitland to Huskisson (No. 14). Refers to Colonial Secretary address for the communication of instructions respecting grants of land to the militia, the object being to show that by the instructions settlement duties were not required in such cases.

Page 329

March 18,
York.

Hillier to Givins. Enclosed in Maitland to Huskisson, 29th March, 1828.

March 18,
York.

Maitland to Huskisson (No. 15). It is satisfactory to know that his opinions respecting the settlement of the La Guayra Emigrants were concurred in by His Majesty's Government. Sends report and evidence of the Executive Council and asks that the attention of the directors of the Canada Company be called to them. The resolutions to decline interference with the emigrants already under contract with the company is satisfactory to Galt, and asks that an address from the settlers to the King be transmitted in which they express their gratitude to His Majesty.

332

Enclosed. Address from emigrants expressing their gratitude for their removal from the barren territory of Venezuela to Upper Canada. How they were induced to go to Venezuela and their disappointment there.

333

Report on the emigrants from South America with summary of correspondence with Galt &c.

337

Correspondence, Minutes of Council and other documents relating to the emigrants from South America.

378 to 467

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1828.
March 20,
York.

March 27,
York.

March 28,
York.

March 29,
York.

Maitland to Huskisson. Has obtained from Michigan and transmitted the papers asked for by Seguier. Page 468

The same to the same (No. 17). Calls attention to dispatch of 5th March, 1827, respecting bill which gave an additional member to the House of Assembly and which therefore he had reserved. Recommends that the bill receive the Royal assent. 470

The same to the same (No. 18). Sends schedule of the revenue and expenditure of the colony for 1824, 1825 and 1826. 472

Enclosed. Schedule of revenue and expenditure for 1824, 1825, 1826. 473

Maitland to Huskisson (No. 19). Desires instructions as to the course he is to follow in regard to the attendance of civil officers before committees of the Assembly, which had hitherto addressed the lieutenant governor on the subject, although in some cases, they communicated direct with the officer wanted who applied for leave. Now the Assembly has ordered the attendance of public officers and arrested them for non-compliance. Had sent a message on the subject upon which no proceeding was taken, and in the speech at prorogation he avoided mixing up this disagreeable occurrence with the general business. He made it the subject of a separate message, in which he forbore to advance topics or use language that might produce irritation. Has referred letter from Coffin to the Executive Council in whose report he concurs. Will apply to the other colonies to learn the practice. In asking the attendance of a member of the Legislative Council, or officer or servant of that House, a select committee of the Assembly requests it by a message, and not by direct summons to the individual. If courtesy led to that practice, does not see why it should not extend to the third branch; if it is to a feeling that the business of the Council should not be interrupted by the abstraction of its members or officers, the same reason should apply to the Executive government. Illustrations given of the inconvenience arising from the Assembly summoning officials of the Executive Government individually. 474

Enclosed. Summons by committee of Assembly to Givins to attend and give evidence. 486

Givins to Beardsley. Has applied for leave to attend the committee. 487

Hillier to Givins. The lieutenant governor cannot grant the permission asked for. 488

Other documents on the same subject. 489 to 502

March 31,
York

Maitland to Huskisson (No. 20). The necessity for measures to obviate the evil of land being held waste. Bill passed in the Assembly to impose a tax on wild lands, but opposed in the Council. Felt it incumbent on him to have the bill passed, had, therefore, appealed to those who had received grants not to oppose the measure of public utility and had called a meeting of Council to which he read a minute. By this and speaking severally to the members of Council, opposition was withdrawn and the Act of 1824, passed. The existence of the law showed that measures of escheat might be dispensed with. The time for expiry of the laws having nearly arrived, the original opponents are crying them down and getting up petitions for their repeal, which were referred to a committee before which Dickson and Clark appeared to gain a pecuniary benefit at the expense of the public prosperity. The report of the select committee was brought in but not acted on. It appears in the journals of the House, and demands the explanations he has given. The bill of 1824 was reserved, and all who wished had an opportunity to object to it. 503

Remarks of James Kepler junior, on the dispatch. The object of the bill was for the benefit of Canada, but the method of having it carried

1828.

by the government influence was too open and cannot be officially approved of. Thinks the best way is not to answer the dispatch. Page 511

Enclosed. Dunn to Hillier. Had no communication with the governor, previous to withdrawing his name from a protest on the journals of the Legislative Council. 513

Baby to Hillier. In conversing with the governor he said that in his opinion the bill would be more for the benefit of lawyers, sheriffs and court officers than of the general public. 514

Report of the division on passing the bill of 1824. 515

Proceedings of the Executive Council of 12th January, 1824, with Maitland's message to the Council on the subject of the bill for taxing wild lands. 517

Petition in opposition to the bill for [taxing wild lands. 525

Petition in favour of the bill. 538

Report of committee on petitions, which contains summary of Clark's evidence. 541

Observations by T. Clark on the bill before the Legislative Council for making the wild land tax permanent, with calculations. 575

Observations by John B. Robinson. 581

LT. GOV. SIR P. MAITLAND, 1828.

Q 347

1828.
March 15,
York.

Address from the Legislative Assembly. Enclosed in Maitland to Huskisson, 15th May, 1828.

April 12,
York.

Maitland to Huskisson (No. 21). Peter Robinson has brought the mandamuses for the members of the Executive Council. The services of Macaulay. Recommend that he be added to the Council. Page 4

April 15,
Queenstown.

The same to the same. Introduces the Chief Justice. (Dated York, no doubt from error). 4

April 15,
Queenstown.

The same to the same. As from the health of the chief justice it is possible that his retirement from the bench may be necessary, recommends attorney general Robinson to be his successor. 5

April 28,
York.

The same to Hay (private). Is pleased to learn that he has succeeded to the portion of the colonial business that relates to North America. As desired, shall communicate with him on matters of general interest to the province. 7

April 30,
York.

Maitland to Huskisson. Sends address in reference to the proceedings of the legislature for the naturalization of aliens. Does not know the persons whose names appear on the petition, nor can he be responsible for the authenticity of the signatures. 8

Enclosed. Address to the King with thanks for refusing assent to the bill deeply affecting the political and civil rights of the province. (The signatures are given). 10

May 12,
York.

Maitland to Huskisson. Transmits address from the assembly relative to the provision made for a Protestant clergy and to the royal charter for a university. The charter has been framed in the most liberal spirit and every exertion used to make it of advantage to the province as speedily as possible. In respect to the clergy reserves, declines to support by his testimony the statements and assumptions of the address, especially as to the rooted aversion to the Church of England said to exist in the province. Saw no trace of it on his arrival, nor does it exist now among the people generally, although every exertion has been made to excite it. 16

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Page 511
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1828.

May 12,
York.

May 14,
Queenston.

May 15,
York.

May 19,
West
Flamorough.

May 19,
York.

Enclosed. Address representing the inaccuracy of the ecclesiastical chart prepared by Archdeacon Strachan and the alarm that would be caused by any design to establish one or more church or churches with endowments not granted to other denominations. The address defends the Methodist preachers against insinuations, being convinced that their influence is not hostile to the institutions of the province but the reverse. The charter of the University viewed with grief by a great body of the people of the province, as it contains provisions calculated to make the institution subservient to the interests of the Church of England and to exclude from its offices all who do not belong to it. The disadvantages of this in arousing jealousy and restricting the usefulness of the University. Asks that the present charter be cancelled and a new one issued free from objection. It is prayed also that the proceeds from the sale of clergy reserves should be set apart for educational purposes and not appropriated to one or two Christian denominations; the want of money in the province for education renders this necessary.

Page 19

Reply to the address.

24

Maitland to Huskisson (private and confidential). Comments on the address of the assembly, which appears to be the result of the advice of Hume, who is represented by Randal to be the cause of his success. He (Hume) had advised agitation, and in consequence a central committee was formed of persons of little consideration, which distributed forms of petition, the effect of which was the address forwarded. Signatures to the petition having been obtained by incessant industry, no doubt the members of the committee flatter themselves with success in breaking down the distinction between the constitution of the colony and of the republican government under which they have been educated. As to the clergy reserves, the only question now is whether the Kirk of Scotland is to have a share; concessions to that church it is clear, while weakening the efficacy of the Church of England will not silence complaint and produce general content, but will have a directly opposite tendency. Further remarks on the tendency of the address.

25

Maitland to Huskisson. Transmits a letter from Willis, soliciting his appointment to succeed Campbell as Chief Justice. His unfitness for the office, especially as he would be *ex officio* Speaker of the Legislative Council and a member of the Executive Council.

34

Enclosed. Willis to Hillier. Sends letter to be forwarded by the lieutenant-governor to its address.

37

Willis to Colonial Secretary. Asks for the office of chief justice should the present judge resign.

38

Maitland to Huskisson (No. 24). Transmits address on the independence of the judges. As it is a transcript of a previous address, sends copy of his dispatch on that occasion and of Bathurst's reply. The subject awakens no public interest and the address was passed almost without debate.

39

Enclosed. Bathurst to Maitland. The advantage of the chief justice being a member of the Executive Council.

41

Address of the Assembly, calling attention to the inexpediency of the chief justice being a member of the Executive Council.

43

Crookes to Hillier. Enclosed in Maitland to Murray, 26th August, 1828.

Maitland to Huskisson (No. 25). Sends copies of three bills presented at the close of the last session. (1) To alter and amend the assessment laws. (2) To borrow a sum of money from His Majesty's government and to provide for payment. (3) For the relief of Daniel Erb and others.

1828

Makes no remarks on the first and third in addition to the reports of the attorney general, but explains the cause of the passing of the second.

Enclosed. Copy of Act to borrow a sum of money. Page 45
Copy of Act to alter and amend the assessment laws. 51
Copy of Act for the relief of Daniel Erb and others. (The Act is to
quiet their titles.) 55

Opinion of the attorney general, that the Act to alter and amend the
assessment laws is not liable to any legal exception, but its principal
provision is highly inexpedient. Points out its disadvantages. 69

Bathurst to Maitland, 8th October, 1824. In reference to the canal
projects, will strongly recommend an advance of £70,000, if the Legisla-
ture of Upper Canada makes arrangements for the payment of interest
and principal. 75

May 20,
York.

Maitland to Hay. Sends return of the average price of wheat and
other grain for January, February, and March in York and Kingston. 78
Enclosed. Return. 80

July 7,
York.

Maitland to Huskisson (No. 28). Has received from Dalhousie extract
of dispatch respecting obtaining for the Crown possession of land
required for the Rideau Canal. The Imperial statute, directed to be
put in force, applies only to Lower Canada. In January, 1827, an Act
was passed with that specific object with which the officer in charge of
the work expressed himself satisfied. Had urged By to obtain posses-
sion of all the land necessary before beginning the work. 82

July 10,
York.

Maitland to Huskisson (No. 29). Transmits copies of acts passed last
session. 85

August 9,
Pushlinch.

Colborne to Murray. Received letter at Guernsey and has forwarded
his baggage, wine, &c., to London, to be sent to Quebec. If he can get his
family ready in time, he will take them to Liverpool for a ship, other-
wise he will leave them till spring. Asks what arrangements are to be
made by government for passage, &c. 216

August 15,
Queenston.

Maitland to Murray. Desires to have the Court of King's Bench made
full and effective. Desire of Campbell to resign the chief justiceship.
Had recommended that Robinson, attorney general, should succeed.
This has not been done at Robinson's instance, he being willing to wait.
Willis reports that if he does not obtain the office, as he should,
that Lyndhurst would apply for a friend to obtain it. Robinson
does not think Lyndhurst would interpose any obstacle to his succeeding.
On Willis deserting the Bench appointed Hagerman until His Majesty's
confirmation is received. Would have appointed Jonas Jones, but
Sherwood, the only other judge is married to a sister of Jones, and he
doubted if the connection was not too near for such an appointment. A
similar objection though not in the same degree, exists with regard to
the solicitor general and Sherwood. Did not recommend Macaulay whose
would have been a most eligible appointment, but as it was his duty to
move in Council the measure which occasioned the vacancy, he would
probably have declined it, "had I thought it delicate to make the offer".
Although junior to the others named, Macaulay was selected to fill a
temporary vacancy. 88

August 18,
York.

Enclosed. Copy of letter to Huskisson, dated 15th April, see page 5.
Maitland to Murray (No. 31). Has received information that he
(Murray) has been appointed Colonial Secretary. 98

August 20,
York.

Maitland to Murray (No. 32). Desires to express himself fully on
points of interest to the province. Had written at some length to
Bathurst on 13th December, 1827, and 3rd January, 1828, but as he had
no acknowledgment did not know if his information was useful. The
recent election has been held and the result is not such as could be
wished, although there was too much reason to apprehend it. Import-

1828

August 21,
Queenston.
August 25,
York.

August 26,
York.

September 11,
York.

September 15,
York.

September 18,
York.

ance has unluckily been given to a few busy but obscure individuals by the countenance afforded to an intemperate petition against the confirmation of a bill for the naturalization of aliens although it was passed in accordance with Bathurst's recommendation. The injurious effect of this upon public feeling and public measures. Repeats statements made in previous dispatches.

Page 100

Maitland to Murray (No. 33). Asks for instructions respecting the subject of his dispatch 19, of 29th March, 1828.

115

Same to the same (No. 34). In reference to claim by de Puisaye for losses during the war of 1812, sends extract from the proceedings of the Board of Claims on the only claim submitted by de Puisaye and the 35 per cent thereon directed by the Treasury to be paid was paid to Kent, who had full authority to receive the same.

117

Enclosed. Extract from report.

119

Maitland to Murray (No. 35). Has communicated to Crookes the decision respecting his claim to half pay. Sends another memorial which he could not refuse to transmit. He was not commissioned as a Major.

122

Crookes to Hillier. Repeats his claim for half pay and argues that it was refused on wrong grounds.

124

Maitland to Murray (No. 36). Had reported the death of Samuel Smith, an Executive Councillor, in circumstances the reverse of affluent. The failure to obtain relief from the legislature arising from the want of leisure in the one session and the approaching election in the next, when the members were looking for local measures to sustain their popularity. Will take the responsibility of continuing the pension of £200 which he gave after the first session. The services of Smith, which render his family deserving of consideration.

129

The same to the same (No. 37). Transmits memorial from Scott, Baptist Minister, sent by the New England Company for the conversion of the Indian tribes. Has given him a licence of occupation for the land prayed for subject to His Majesty's pleasure. Recommends a grant of the tract in trust for the benefit of the Indians.

134

Enclosed. Petition from Rev. Richard Scott sent by the New England Company to convert and civilize the Indians. The methods he proposes to adopt. Asks for a grant of the town plot on the north side of Rice Lake to be held in trust for the Indians.

136

Extracts from the minutes of the Council in favour of Scott's application.

139

Maitland to Murray (No. 38). Has received copy of a petition and of resolutions of a meeting of the signers of that petition. The second paper shows the spirit in which the petition is got up and of the movers. Danger of encouragement being given to a regularly organised system of getting up petitions; the movers are in constant communication with Hume, by whose advice the committee was formed, and, if encouraged, the efficiency of the colonial government cannot be maintained nor the public tranquillity preserved. In asking that no encouragement should be given, he desires that the promoters of these petitions should be made to understand that their representations on public matters would be referred to the local government. This he supposed was considered the indispensable course, and until last year he had never known it departed from, when it was done in one remarkable case, which had a most prejudicial effect, as contrary to the expectation that the persons who brought the false charges would be satisfied with the concession, the country was never in so discontented a state. Since the return of Randal the province has been agitated by manufacturers of grievances. The resolutions show that if in their petitions they affect to confide in His Majesty's ministers they do not cherish that confidence nor desire

1828.

that the people should entertain it. They look to Hume, Holland, Burdette, Brougham, Baring, &c., for support. Gives an account of the characters of the promoters, and subjects the statement in the petition to close examination. Page 140

September 20, Maitland to Murray (No. 39). Transmits Blue Book for 1827. 161
York

September 22, Same to the same (No. 40). Transmits pretension of Small for the
York. arrears of certain fees he had at one time. Sends report of the Council on the original application. Had on this report, authorized Small to charge the fees, but intimated that he could not meet his demand for arrears. 163

October 18, *Enclosed.* Report of the Executive Council on Small's application. 166
York. Maitland to Murray (No. 41). Has communicated to Hamilton, of Kingston Mills, the subject of Huskisson's dispatch. Hamilton is not disposed to accept a grant of waste lands as an equivalent for his mills. 171

Hamilton to Hillier. The difficulty of estimating the value of his mills in wild land. Proposes to have the mill valued on the basis of cash, the amount to be raised out of timber sold off the wild lands and in the hands of the surveyor general of woods and forests. 173

October 14, Maitland to Murray (No. 42). Revs. Thomas Phillips and James
York. MacGrath have applied for exemption of fees on grants of 600 and 1,200 acres respectively. The good character of the memorialists; recommends granting the prayer of the memorials. 176

October 20, The same to the same (No. 43). Had transmitted a representation
York. from the chief justice and two other judges of King's Bench of the expediency of appointing a third puisne judge. Asks that a reference be made to Bathurst's answer of 9th April, 1827. The reference was made by him to the law officers, but owing to the appointment of Willis and events following it, made him doubt the necessity of troubling the Secretary of State with the result of the reference. Believes that that should now be done. Asks that the addition of another judge should be authorised and recommends the appointment of Jonas Jones. Had been prevented by the connection referred to in a former letter, but thought it unfortunate that a slight obstacle should make him pass over the strong claims of Jones. 178

Attached. Opinion of Stephen, that government has not a right to appoint a third judge. The arguments against the existence of such a right, even if capable of an answer, are so plausible that it would be hazardous to raise the question. 183

Opinion of the attorney and solicitor general that in the present state of the law it would be inexpedient to appoint a third judge to the Court of King's Bench. 184

October 21, Maitland to Murray (No. 44). Has received dispatch of 25th June. He
York. (Murray) not improbably in writing it had in mind the Legislative and not the Executive Council, the members of the latter having always received a moderate salary. Their confidential duties. The necessity of obtaining the services of gentlemen of high character whose professional avocations made it often burdensome to attend meetings. Has never heard the least objection in the colony to the charge. 189

October 25, The same to Hay. Sends return of the price of wheat and other
York. grain in the principal markets for July, August and September, 1828. 193

Enclosed. Return. 195

October 27, Maitland to Murray (No. 45). Suggested or intended to suggest the
York. appointment of Boulton, solicitor general, to the Legislative Council. In the absence of the chief justice and indeed from his situation as speaker, some other gentleman of legal knowledge is wanted in that body. Has

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October 28,
York.

October —,
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October —,
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November 3,
York.

November 5,
York.

November 25,
York.

December 2,
Halifax

December 10,
York.

December 11,
York.

December 15,
Halifax.

suggested the solicitor general as the attorney general is in the Assembly. The doubt whether any of the law officers can be appointed to the Legislative Council as except in the case of the chief justice, the judicial and legislative functions have been kept distinct. Asks that the question be considered and instructions sent. Page 197

Maitland to Murray (No. 46). Transmits memorial from Dr. Phillips, master of the Royal Grammar School, for allowance for lodging till a house shall be built for him. A tract of land was set apart to be sold for the purpose of building the house but it has not been deemed advisable to sell till there was a probability that an adequate amount would be realized by the sale. The statement by Phillips that an allowance for lodging money is given in Lower Canada is correct. 200

Enclosed. Memorial by Phillips. 202

Maitland to Murray. Introduces Thomas Clark, a legislative councillor, who goes to solicit further remuneration for losses during the war with the United States. 170

The same to the same. Introduces Clark, agent for the sufferers in the late war with the United States. 192

(These two letters are differently expressed).

Maitland to Murray (No. 47). Transmits petition from Racey and refers to previous letters on the subject of Racey's claim. 204

Enclosed. Memorial from Thomas Racey, for compensation for the loss sustained by changed legislation affecting his trade in staves. 206

Colborne to Murray (No. 1). Arrived yesterday and took the oaths of office. 218

The same to the same (No. 2). Proposes more expeditious arrangements for the conveyance of letters between Great Britain and the United States. Encloses letter from the United States postmaster at Lewiston. 220

Enclosed. Bates Cooke, postmaster at Lewiston, to Colborne, respecting the movements of mails. 224

Maitland to Murray. In answer to the question as to the accuracy of a paragraph in the report of the select committee of the House of Commons says that the House of Assembly of Upper Canada was not dissolved on account of disputes but expired as provided for by law. 211

Colborne to the same. Sends minute of the Executive Council directing that half pay officers should still be entitled to grants of land. Should this not extend to non-commissioned officers and privates? 228

Enclosed. Hay to Maitland. The regulations for the sale of lands in Upper Canada have been understood to exclude half pay officers from grants. The new system was not intended to apply to officers, who are therefore entitled to grants of land. 230

Minute of Executive Council to know whether non-commissioned officers and privates are to be included in the regulations. Their claims are as strong as those of the officers. 231

Colborne to Murray (No. 4). Forwards copy of minute of Council respecting application from Galt for leave to expend £1,000 on a road from Etobicoke to Guelph. The improvement will be useful to the province. 233

Enclosed. Minute of Council approving of Galt's proposal and asking the lieutenant governor to recommend its adoption. 235

Maitland to Murray. The returns which it is complained were not sent from Upper Canada were transmitted regularly, but the extent of the province caused some delay. 214

Q. 348 parts 1 and 2 and Q. 349 contain papers relating to the suspension of Judge Willis.

PUBLIC OFFICES AND MISCELLANEOUS, 1828.

Q. 350-1-2.

1821.
April 21, London. (Part 1 is paged from 1 to 215, part 2 from 216 to 424).
Col. Talbot to ——— Concurs in the justice of the objections by Sir Howard Douglas to the new regulations for the sale of lands. Page 415
1826.
March 16, Montreal. Hamilton to Hillier.
- May 3, York. Minute of Council. Both enclosed in Barrow to Stanley, 11th January, 1828.
1827.
September 20, Treasury. Hill to Wilmot Horton. Enclosed in memorial of Merritt, 21st July, 1828.
- November 10, Stamford. Maitland to Barrie.
- November 10, York. Description of the lands at Kingston Mills by Ridout. Both enclosed in Barrow to Stanley, 11th January, 1828.
1828.
January 3, Foreign office. Backhouse to Hay. Transmits report from the consul at New York of the amount expended in forwarding to Canada emigrants returned from La Guayra. 18
Enclosed. Buchanan to Bidwell. Sends account for expenditure on account of emigrants sent to Canada and has drawn for the balance. 19
Account. 20
January 3, Guelph. Galt to Stanley. Asks that the attention of Huskisson be called to the claims of Upper Canada for losses during the late war. Had received a favourable report from the legislature of Lower Canada to concert measures for indemnification and transmitted it for presentation to Goderich, but had heard nothing since. Asks that the Colonial Secretary be moved to revive the subject. 148
Navy Board to Croker. Enclosed in Barrow to Stanley, 11th January 1828.
- January 8, Navy Office. Barrow to Stanley. Hamilton, the lessee of reserve land near Kingston, on which it is intended to erect saw mills, is willing to surrender his lease on the terms government may offer, a fair remuneration being allowed for improvements. Transmits papers to be laid before the Colonial Secretary. 3
Enclosed. Navy Board to Croker. Transmits letter from Maitland with enclosures that Hamilton is willing to surrender his lease. Recommend that an equivalent be given in waste lands in Lower Canada. 4
Maitland to Barrie. Transmits letter from Hamilton that he is willing to surrender his lease on the terms government may offer. 6
Hamilton to Hillier. Forwards the leases. Is ready to surrender on terms of the lands being valued with the improvements and payments made in such manner as may be satisfactory to government. 7
Minute of Council recommending the acceptance of Hamilton's offer. 8
Description of the lands at Kingston Mills, by Ridout. 9
January 13, Alnwick. D. W. Smith to Wilmot Horton. Desires to know on whom he is to draw for his pension. Had drawn as usual on Adams, and had the mortification to have his bill returned. 381

- 1828
January 25, Flamborough. Memorial of McGregor for halfpay, his name having through inadvertence been omitted from the list of those entitled to it in the Incorporated Militia. Page 194
- January 28, Lyson. Enclosed. Order signed by Foster, Adjutant General of Militia, respecting McGregor's Company of Royal Kent Volunteers. 197
- February 4, Washington. Memorial of Ensign Jeremiah Ellis, stating his services and applying for land for his children who he understands, on account of the military services of their fathers, are to be treated as U. E. Loyalists and to obtain land free of fees. 137
- February 8, Dorset. Whittlesey to Clay. Enclosed in Backhouse to Hay, 19th March, 1828. 137
- February 8, Washington. Powell to Huskisson. The danger of granting to the Church of Scotland a share of the clergy reserves. 322
- February 8, Washington. Vaughan to Secretary of State of the United States. Enclosed in Backhouse to Hay, 19th March, 1828. 27
- February 8, Fort William. Memorial of William Fraser, stating his services and the losses he had sustained whilst serving in the militia during the war of 1812, having lost his buildings and money by fire whilst he was away on military duty and praying that his case may be considered. 139
- February 9, Washington. Vaughan to Dudley. Enclosed in Backhouse to Hay, 19th March, 1828. 139
- February 11, Alnwick. D. W. Smith to Huskisson. Again calls attention to the change in the method of paying his pension and the expense caused by the change. 383
- February 13, York. Enclosed. "Brief memoir of Sir David Smith's services." 387
- February 16, Bytown. Another letter on the same subject of the same date was sent by Sir D. W. Smith to Hay. 392
- February 22, Guelph. Memorial of Lieut. Alexander Macdonell for 500 acres of land. 193
- February 22, Guelph. Ferguson to Huskisson. Obtained a lease of Queen Island from Maitland, subject to confirmation. As he is desirous to erect a mill and must in the meantime expend money at his own risk, applies to have the lease confirmed. 143
- February 28, Burlington Beach. Galt to the same. Submits plan to assimilate the currency of the North American provinces to that of England, and asks to be appointed superintendent as from circumstances he has no desire to remain in the company's service. 150
- February 28, Burlington Beach. Outline of a plan for the gradual assimilation of the currency of the North American provinces with that of the United Kingdom. 151
- February 28, Burlington Beach. Memorial of Kerr late a captain in the Indian department of Upper Canada, to Huskisson. Details his sacrifices and renews his request for half pay. 188
- February 28, York. Another of the same to Murray. 192
- February 28, York. P. Robinson to Stanley. On his arrival, Maitland submitted to the Executive Council Huskisson's dispatch respecting the sale of part of the clergy reserves. Governor approved of regulations. Recommendations for his guidance which he sends. Previous to selling he will procure information respecting the situation and value of the lands. 329
- February 28, York. Enclosed. Report of the Executive Council on the Act to authorise the sale of clergy lands. 330
- February 28, York. Form of return of clergy reserves. 334
- February 28, York. Clay to Vaughan. Enclosed in Backhouse to Hay, 19th March, 1828. Only a copy of this letter was transmitted by Vaughan, dated the 9th, but this appears to be an error, as Vaughan acknowledged receipt on the 8th. 328
- March 3, Treasury. Hill to Hay. The Treasury have not a list of the names of settlers who made deposits on going to North America, but if Huskisson is

1828.

March 4,
London.

satisfied that deposits were made by the persons mentioned and have not been repaid, authority may be given for repayment. Page 52

Macdonald & Campbell to Hay. Submit memorial for half pay from James McGregor, who served as a lieutenant during the late war with the United States. He has drawn on them believing the half pay was granted; these bills they have been obliged to dishonour. 200

March 4,
Kingston.

Barrie to ——. Transmits copy of letter from Campbell. Believes the statement of his claims to be correct and that he suffered hard treatment when detained as a prisoner and hostage in America. Captain Barclay, now in England, can give additional testimony. 67

Enclosed. Campbell to Barrie. His services and sufferings. Asks that his case be submitted for consideration, as he is aware that other persons in similar situations had received gratuities for services. 69

Certificate by Barclay of the good services of Campbell in the Lake Marine. 71

Barclay to Campbell. Regrets he did not get the grant of land as an officer of the Navy. Gives testimony to his merits. 72

March 6,
Upper
Canada.

Clark and Dickson to Stanley. Send petition respecting the case of Miss Ann Smith, her brothers and sisters, with the Governors's message and the answer of the Legislative Council. The assembly did nothing about the case, but Maitland provided temporarily for the wants of the family, until the King's pleasure be known. This and other cases have produced feelings of compassion. Death of Claus leaving his family without the means of subsistence. The death of different children; the widow and two sons are left, one a clerk in the lieut. governors's office, the other acted as trustee for the Indians, but Darling succeeded in obtaining the situation. The surviving daughter is a widow with a son and three daughters. All the family live at Niagara. Ask that their case may be considered and the grant of land by the Indians to Claus may be authorised under the Great Seal. 403

March 6,
London.

Hammersleys & Co. to Huskisson. Had applied to Adams for payment of Mrs. Campbell's pension but were informed he was no longer agent. How or to whom are they in future to apply for payment? 160

March 7,
York.

Order in Council. Enclosed in Capt. D. Campbell's memorial, 7th May, 1828.

March 8,
London.

Memorial of A. Bastable, stating at length his reasons for sailing for Canada and his want of success. Submits his sufferings and losses for humane attention. 85

Enclosed. Various papers. 91 to 97

March 10,
Niagara.

Walter Nichol to Huskisson. Encloses memorial from and represents the destitute state of, the widow and family of his late brother, caused by losses incurred during the late war with the United States. 272

Enclosed. Memorial of the widow of the late Robert Nichol. Death of her husband by accident leaving her and her family destitute. The services of her late husband during the war with the United States. Sends copies of testimonials to his merits. Enumerates his losses and prays to receive a share of the royal bounty. 277

March 19,
Foreign office.

Papers connected with the case of Mrs. Nichol. 287 to 321

Backhouse to Hay. The Secretary of State of the United States has called attention to the expediency of erecting a lighthouse on Long Point, Lake Erie. 21

Enclosed. Vaughan to Dudley. Respecting a lighthouse on Long Point. 22

Letters from United States officials on the same subject and answer by Vaughan. 23 to 27

March 26,
London.

W. Smith to Huskisson. His brother living in Kingston, Upper Canada, lost an eye in the late war with the United States. His brother

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1828.

March 27,
 Kingston.

has written but received no answer. Asks that his case may be taken into consideration and relief afforded. Page 395

Barrie to the Colonial Secretary. Sends memorial from Sinclair. Does not think his services give him any claim, but transmits the case for consideration. 73

Enclosed. Memorial of Sinclair, stating his services and hearing that halfpay has been granted on several occasions, asks that this memorial be forwarded. 74

Copy of Sinclair's appointment. 77

March —,
 Treasury.

Dawson to Hay. Owing to the circumstances stated by the rector and churchwardens of the established church at Amherstburg, Maitland may be authorised to issue £200 currency towards the completion of the church on certain conditions. 54

April 12,
 London.

Grant to Huskisson. Transmits plan received from Galt in Upper Canada. 155

(For plan see 22nd February.)

April 15,
 London.

Hume to Leveson Gower. Asks that letter be sent to Upper Canada by first dispatches. 161

April 18,
 Whitehall.

Stanley to Hay. Sends Memorial from Clark and Dickson. He (Hay) is able to judge of their cases and Baillie will give any information wanted. Is doubtful of approving of the grant of land by the Indians to Claus, as it might lead to great abuses. No addition to the Indian presents should be made in money. Suspects that the appointment of Darling was a little bit of a job. Calls attention to the case of Givins about whom there are such various reports. Talbot confirms Maitland's favourable account of him. 401

Enclosed. Letter from Clark and Dickson, see 6th March.

April 19,
 London.

Minutes of the Legislative Council on the petition of Ann Smith. 408
 George Ryerson to the Colonial Secretary. Desires to present a petition on ecclesiastical grievances, and on the misrepresentation by Dr. Strachan in a letter purporting to be an ecclesiastical chart of Upper Canada. 335

April 21,
 London.

C. C. Small to Huskisson. Asks for an interview on behalf of his father, now clerk of the Executive Council. 414

April 22,
 London.

George Ryerson to the Colonial Secretary. Served during the war of 1812 and was wounded in the month, by which he lost his teeth and one side of his lower jaw. His unsuccessful efforts to have a medical examination made to authorise him to make an application for a pension. Sends statements which he hopes are satisfactory. Asks leave to appear before a board. 337

Enclosed. Lukin to Ryerson. That he is to apply to Colonial Secretary. 339

Hillier to the same. Maitland has no objection to his having leave of absence. The letter to the Secretary at war and his application were sent direct. 340

April 26,
 York.

J. Smith to Colonial Secretary. Complains of the injury inflicted by the military and clerical domination exercised against those who will not submit to act in complete subservience to Major Hillier, Dr. Strachan and attorney general Robinson, who with others who have joined them let no post of honour or emolument escape their grasp and brand all who oppose their cause as disloyal. Refers to chief justice Campbell as an upright judge under the ban of the faction, and who is not of Maitland's cabinet, other wise the evils complained of would not exist. The dignified course of judge Willis who rarely meets with common attention from Maitland, who retires to a sequestered spot leaving the business of government to a Military Secretary. Sends a list of questions to be answered by chief justice Campbell; desires that inquiry be made as to

1828.

- the offices held by the attorney general, his connections and family, and also that a list be obtained of the appointments of the Hon. William Allen. Page 396
- Enclosed.* Queries for chief justice Campbell. 399
- April 28, Col. Talbot to Hay. Returns sketch of the Western part of Upper London. Canada with that portion coloured red which he desires should be considered the Talbot settlement. Any part of the government land within the red figure not already transferred he asks to be put under his charge on the same conditions as formerly, and that the lieut. governor be informed of it that no part of the Crown reserve within the limits may be exposed to sale. 416
- April 29, Commissioners of the Navy to Treasury. Enclosed in Dawson to Navy Office. Hay, 6th May, 1828. 416
- April 29, Note apparently from Meritt of the importance of having the Welland York. Canal completed as speedily as possible. 216
- April 30, Powell to Huskisson. Had not presented himself at the Colonists' Office until the prejudices raised by the lieut. governor had subsided. From circumstances considers it a duty to afford elucidation of any affairs in which he may have acted. 325
- April 30, Backhouse to Hay. Transmits correspondence respecting Scotch Foreign office. colonists from Caracas, with demand from Galt for £100 additional on their account. 28
- Enclosed.* Buchanan to Bidwell. Submits demand from Galt for £100 on account of the colonists from La Guayra. 30
- Galt to Buchanan. Reports his claim on account of settlers from La Guayra. 31
- May 3, Lyndhurst to Huskisson. Powell, late chief justice of Upper Canada, is a man of honour, talent and integrity. 37
- May 3, De Walden to Hay. No official application having been made on Foreign office. behalf of O'Hara, assistant adjutant general of militia of Upper Canada, for permission to wear the decoration of the Portuguese order of the Tower and Sword, leave cannot be granted. Copy of regulations enclosed. 33
- Enclosed.* Regulations. 34
- May 4, A. Campbell to Hay. Complains that the pension received for 28 years Milbury. which was to be paid without deduction, had been refused payment and is now to be paid in Canada equivalent to its being stopped. Asks for his influence to having it paid as before. 111
- Enclosed.* Note (undated). That pension to Alicia Campbell is hereafter to be paid in the colony. 113
- Hammersleys & Co., to Mrs. Campbell. Send the note they have received in answer to application for pension. 114
- May 5, Winburn to Hay. As executor for Count de Puisaye, who died in London. December last, asks what compensation is coming to the estate on account of damages to his property at York, and when it will probably be paid. 421
- May 6, Dawson to Hay. In reference to memorial from Peter McGill, a report Treasury. is enclosed from the commissioners of the Navy; the Lords of the Treasury do not feel warranted in interfering. 56
- Enclosed.* Commissioners of the Navy to the Treasury. McGill contracted for the delivery of iron ballast at Kingston by the end of 1822 and the term has since been extended. The Admiralty decline to receive the residue and that being considered final the commissioners do not feel at liberty to depart from the decision. 57
- May 7, Marston to Huskisson. Had written some time before, respecting Felhampton, Ratcliff, whose son died in Upper Canada, leaving £100. According to instructions he had sent a power of attorney, but is told the money cannot

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May 7,
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May 7,
St. James's.

May 10,

May 19,
Jersey.

June 2,
London.

June 3,
Lincoln's Inn.

June 4,
London.

June 7,
London.

June 11,
London.

June 16,
Glasgow.

June 23,
London.

June 25,
Treasury.

June 27,
London.

July 1,
London.

July 5,
Admiralty.

be procured. Understands that the power of attorney is still in the colonial office; asks for its return, as Ratoliff supposes he (Marston) has received and retained the money. Page 201

Capt. D. Campbell; Memorial stating his services and that he had proceeded to Perth to take up land, but found the system was changed by an order in Council of Upper Canada, which he transmits. 116

The order in Council of Upper Canada is prefixed. 115

Order in Council approving of the naturalization Act of Upper Canada. 16

Merritt to Huskisson. Presses urgently for the advance required for the completion of the Welland Canal. 217

Memorial of James Mackintosh. States his distressed circumstances, asks for a free passage and offers his services as a pilot or guide to newly arrived emigrants. 203

William Campbell to Murray. Had been granted leave of absence by Maitland. Would have called, but was too greatly fatigued. 118

Alexander Fraser to same. Introduces chief justice Campbell as an upright judge, an honest man and a true and loyal subject. The information that can be acquired from him respecting Upper Canada may be depended upon. 145

Merritt to Hay. As everything relating to the Canal has passed his office, sends letter addressed to Goulburn, which he asks him to read and should like to see him (Hay) before handing it to Goulburn. 219

Enclosed. Annual report of the directors of the Welland Canal company with appendices. 220

George Ryerson to Hay. Sends report by committee of Assembly on the clergy reserves, which have greatly hindered the settlement of Upper Canada. The desire is to have them sold and applied to purposes of education and internal improvements, or divided equitably for Christians of every denomination in the colony. 341

Enclosed. Report of the select committee. 343

The petition of Bulkley Waters and others forming part of the report. 367

List of witnesses and questions. 371

Questions on the state of religion. 378

Report from commissioners of the Navy. Enclosed in Dawson to Twiss, 25th June, 1828.

Memorial of Donald Fraser. States his services and infirmities and asks that his son, now serving with the sappers and miners on the Rideau Canal may have leave of absence. 146

Principal Baird and Dr. Lee to Murray. Asks for an interview. 78

Dawson to Twiss. Sends extract from report of comptroller of Army accounts on application for halfpay as a captain. The extract to be submitted to Murray for consideration as to the value of Kerr's services, but the Treasury cannot sanction either pension or half-pay. 59

Enclosed. Extract from report. Can only suggest that the general officer commanding might be instructed to give Kerr the first suitable appointment that might offer. 60

Hayes to Hay. Has received letter that the Colonial Secretary has so little patronage that he declines to hold out hopes of compensation. As this implies that he would have given compensation if in his power, asks for a grant of land. 168

Resolution of a committee of the House of Commons for instructions to the governor of Upper Canada, respecting the appointment of the church corporation. 1

Barrow to Hay. Cannot recommend any allowance for Campbell's services without further investigation. He should, however, be paid

1828.

- the wages due when he was captured and until his release, also remuneration for the loss of baggage. Page 10
- July 15. Merritt to Murray. The want of interest shown in the city in the
London. prosperity of Upper Canada is so great that he will not be able to get
stock taken up without assistance. Asks him to take a few shares. 241
- Prospectus of the Welland Canal. 242
- Subscription list. 244
- July 21. Merritt to Murray. Considers that the annexation of Montreal would
London. be of advantage, and would accelerate the union of the two provinces
on which he enlarges. 253
- July 21. The same to the same. Has taken advantage of being in London to
London. make a personal application for half-pay. States the circumstances and
conditions on which his troop was raised. 251
- July 21. Memorial of Merritt for half pay. 246
London. *Enclosed.* Hill to Wilmot Horton. The Treasury decline to recom-
mend that Merritt should be allowed half pay. 248
- July 24. Memorial of D'Arcy Boulton. States his services and prays that his
London. pension may be paid in the proportion of two-thirds of the salary of
the puisne judges, a rate at which he was paid for three months before
his resignation was accepted. 79
- Enclosed.* Note initialed G. B. On the rate at which it was understood
Boulton's pension should be paid. 82
- July 26. Freeling to Hay. The bag of dispatches for Maitland was forwarded
London. to Liverpool and there delivered to Capt. Allyn for conveyance to New
York. 66
- August 1, Turner to Murray. His regard for Col. Nichol. Transmits memorial
Godstone. and is certain that any relief that can be afforded to his widow and
family will be effectually applied. 418
- August 7, Stewart to Hay. The Lords of the Treasury repeat that a grant of
Treasury. half pay to Merritt and Ingersoll would establish a very inconvenient
precedent and they cannot alter their former decision. 61
- August 9, Hayes to the same. Entreats that steps may be taken to obtain an early
London. answer from the Treasury, as the last ships of the season sail for Quebec
in a few days, and the state of his finances renders it imprudent for him
to contemplate remaining without employment. 177
- August 9, Merritt to Murray. Repeats his application for half pay on the
London. ground that precedents are already established. 258
- Enclosed.* Documents connected with Merritt's application for half
pay. 260 to 271
- August 12, Stewart to Hay. The Treasury cannot make good the loss sustained
Treasury. by Hayes in establishing iron works at Marmora. 62
- August 16, Croker to the same. Asks for an answer to letter of 11th January,
Admiralty. respecting lands at Kingston, belonging to Hamilton. 12
- August 17, Gibson to —. Writes as treasurer of the New England Company
Epsom. that a petition has been presented to the governor of Upper Canada for
grant of land for the use of the Indians at the mouth of the Otonabee,
county of Northumberland. Asks for an interview, and that if the land
be granted it may be to the company in trust for the Indians. 156
- August 20, Bishop Macdonell to Murray. Applies for £1,000 salary, equal to that
Glengarry. of the Roman Catholic Bishop of Lower Canada. Is gratified at the
success of his plan for settling the disbanded soldiers. If in addition to
the Rideau Canal, a good road were opened in the centre of the fertile
tract of country between the Ottawa and St. Lawrence from the division
line to the military settlements, that part of the country would com-
mand a force of 50,000 men. Congratulations on his (Murray's) appoint-
ment as Colonial Secretary. 207

1822.
August 23,
London.

Hayes to Hay. Reminds him of the promise of giving as much assistance as possible. If no employment has occurred to him, asks for a grant of land. Page 178

Enclosed. Notes of the services, &c., of Hayes. 179

Memoranda on the subject of compensation for his services. 182

August 29,
York.

Baldwin to Murray. As chairman of the committee of a public meeting held at York he transmits petition. Entreats that calumnious charges of disloyalty be treated with scorn. 98

Enclosed. Petition complaining of grievances. 99

August 30,
London.

W. Campbell to Hay. Submits remarks to show the futility of the construction by Willis of the law in respect to the attendance of judges. Chief Justice Osgood prepared the bill, presided in the legislature when the act was passed, afterwards left the judicial business of the province to be done by the two puisne judges, as was the case with every chief and other justices who ever sat on the bench. His is perhaps the only case where a judge has sat continuously for seventeen years, and he therefore applies for a few months' leave of absence. 122

Enclosed. Remarks on the construction lately attempted to be given to the provincial statute constituting the Supreme Court of Upper Canada. 124

August 31,
Downing
Street.

Goulburn to Hay. Sends Hamilton Merritt's papers which have been considered for the twentieth time. There is no precedent in the case of the Incorporated Militia, as no officer received half pay except some officers of the line entitled to half pay before they were sent to the militia, who were justly considered as not forfeiting it by thus serving. 158

September 1,
London.

Powell to Murray. Calls attention to a dispatch from Upper Canada with a report from the Executive Council, with the object of preventing his obtaining a pension after 34 years' service. The report is now in the colonial office. Bathurst, however, recommended the pension which he now enjoys. Owing to the confusion in Upper Canada he did not return, as the confusion might be ascribed to his presence. Now that an opportunity has occurred, he desires to return, but does not wish to do so with the opprobrium of the report, and therefore wishes Maitland's successor to investigate on the spot the ground of the report. It is only right that the anonymous pamphlet on which the report was founded should accompany the report. 326

September 2,
London.

The same to Lyndhurst. The change in the government of Upper Canada has induced a desire to return to his home and family, but is repugnant to take such a step whilst the opprobrious report of the Executive Council remains unrefuted. Has addressed Murray and asks him (Lyndhurst) to assure Murray that he (Powell) has been injured by the report. 39

September 9,
Glengarry.

Bishop Macdonell to Murray. Recommends MacTagart as the ablest practical engineer and geologist, and the properest person for explaining the natural productions and latest resources of the country. 210

September 11,
Killarney.

Memorial of Denis Mahony. That when he received a grant of land in Upper Canada in 1822, he was unable to take his family to the province to take possession. Has now sold his half pay commission to enable him to proceed there. Hopes the sale of his commission will not deprive him of the benefit granted. 212

Enclosed. Wilmot to Mahony. Sends list of grants of land made according to military rank. 213

September 12,
York.

Hayes to Cook. Asks him to tell Hay that he desires to draw lands in Canada by power of attorney or deputy, as physicians warn him of the danger of returning to Canada, preferring the Cape of Good Hope, but he can do nothing there without capital. If he could have £1,000 he could do more good in Ireland than by returning to Canada. 184

1828.
September 13, Treasury. Stewart to Hay. The line of communication by the Rideau is to be completed by government, and the sum of £50,000 has been advanced for the completion of the Welland Canal. The Lords of the Treasury could not therefore, be supposed to be indifferent to the improvement of Upper Canada in not feeling justified in making a loan of £100,000. Page 64
- September 16, Blythswood. Archibald Campbell to——. For copies of the regulations for grants of land in Upper Canada, for two gentlemen residing in that province. 128
- September 17, London. Hayes to Hay. Thanks for order for 10,000 acres in Upper Canada. Asks leave to transfer 5,000 acres to his brother in law, Walter Crawford, who has ample means and six sons who will make a valuable addition to the gentry of the province. The promise of employment inspires him with hope that he may be of service in Upper Canada. 186
- September 25, York. Dunn to the same. Has according to instructions submitted bill of exchange for Mrs. Campbell's pension, charging the premium to the public. 135
- Enclosed.* Bill of Exchange. 136
- September 29, London. Lyndhurst to Murray. The high character of Powell, late chief justice. 38
- October 1, Bath. William Campbell to Hay. Respecting the strange conduct of Willis. Robinson's opinion on the subject has been minutely considered and his reasoning is unanswerable. No suspension has taken place in the regular administration nor can take place if the Governor exercise the power intrusted to him. 129
- October 4, York. Brown to Colonial Secretary. Is unable to support his family. Recalls an application of fourteen years ago, and asks for a situation either in Upper or Lower Canada or elsewhere. 83
- October 15, London. W. Campbell to Hay. Had called to pay his respects, applies for extension of leave required by his age and infirmities. 131
- October 15, Downing Street. Stephen to the same. The action of the Legislative Assembly of Upper Canada against Coffin and Givins, has been referred to him for an opinion of its legality. The occupation of the reserve near Niagara Falls by Forsyth; his extravagant claims to prevent people viewing the falls, unless they paid a toll. The survey made and Forsyth ordered to remove the fences, but refused and the Royal Engineers threw them down, for which he brought an action of trespass and lost, and having restored the fences an action for intrusion was brought by the attorney general and gained by the Crown. Forsyth then appealed to the Assembly, who summoned Coffin and Givins to give evidence and it was on their refusal to attend without the consent of the lieutenant governor, that their arrest for contempt took place. Hold that in this particular case, without laying down any general rule, that there were sufficient reasons for a parliamentary inquiry, and that there was no sufficient reason why the officers should have been prevented from attending. 41
- October 23, London. W. Campbell to the same. Sends copy of the leave of absence granted by Maitland and also copies of letter of introduction and recommendation. 132
- Enclosed.* Certificate of leave of absence being granted to chief justice Campbell. 133
- Letter of introduction from Maitland in favour of chief justice Campbell. 134
- November 14, London. Wimburn to Hay. Is obliged for the information that £200 had been awarded for the damage done to de Puisaye's property during the late war and that 35 per cent had been paid. To whom is he to apply for the remaining 65 per cent? Is the amount sterling or currency? 422
- November 15, Liverpool. Munro to Murray. Gives an account of the sufferings of his sister and family who with her husband, George Wallace, were induced to go

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to Columbia, but left and came to Upper Canada where Wallace died leaving his family destitute. Asks for a passage for them to their native country. Page 214

November 17, Gibson to Murray. Letter had come to hand stating that no communication had been received from Upper Canada on the subject of his letter of 17th August; the want of communication, it is said, made it premature to grant the interview asked for. Now repeats his request. 159
London.
November 18, Principal Baird to the same. In reference to the application of the population of Beekwith for a minister preaching Gaelic, asks if an additional allowance cannot be made as part of the stipend and a free passage to Canada. 84
University Chambers.

November 25, Adams to Hay. Civil officers have drawn upon him in ignorance of the change. Has been authorised to pay them and received money from the Treasury for the purpose. The auditors desire to have the authority for paying the bills. Asks for the authority from the Colonial Secretary. 13
Whitehall.

Enclosed. List of bills paid by Adams. 14

November 28, Misses Yeo to Murray. Ask for information respecting land to which Sir James Yeo was entitled, and in what part of Canada it would be granted. 423
Hampton.

Enclosed. Bathurst to James Yeo. It is a rule to decline granting lands in Canada except to persons intending to reside there. 424

December 9, Leslie, inspector of the district of Bathurst, to Murray. For an extension of his leave of absence. 193
London.

No date. Memorial of a number of Indian officers for half pay. 119

Another memorial by Charles Hayes on the subject of his iron works at Marmora. 169

Dr. Weld to Huskisson. Applies for an interview. 420

Memorial of Charles Hayes stating the large expense he had incurred for the establishment of iron works at Marmora; the testimonials given in their favour; the exhaustion of his means, and asks that a favourable consideration be given to his case. 162